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JOURNALS OF THE HOUSE OF REPRESENTATIVES
OF MASSACHUSETTS

VOLUME XXXIV

PART 2

Committee of Publication

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J O U R N A L S

of the

House of Representatives
of Massachusetts

1758

*Published at the Charge of the W. B. H. Dowse
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Contents

| | |
|--|-----|
| INTRODUCTION | vii |
| GENERAL COURT, 1758 | |
| Third Session (concluded): January 2 to 28, 1758 | 241 |
| Fourth Session: March 2 to April 29, 1758 | 309 |
| INDEX | 451 |



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Introduction

PART 1 of this volume was published in 1961 and covered the record of the Massachusetts House of Representatives for sessions held during the latter part of the year 1757.¹ Part 2, here issued, completes the record of that body during the first part of 1758. Together, Parts 1 and 2 comprise Volume XXXIV in this series of reprints of the original *Journals*, reprints which the Massachusetts Historical Society has been issuing annually since 1919, for most of the period since that date at the charge of its William Bradford Homer Dowse Fund.²

Earlier volumes in the present series normally embraced one legislative year of the Massachusetts House of Representatives. But there were, and are, exceptions: the first reprint volume of 1919 actually covered two years of the work of the lower house of legislature (as did a number of later volumes also); the present volume, like the two that preceded it, is split into two parts in order to accommodate the original record of one working year for the Representatives. Reprint volumes through that numbered XXV, published in 1950, were each reset from the originals and printed from type. Beginning with Volume XXVI, issued in 1951, succeeding volumes have been photographed from the originals and reproduced by offset. The shift from letterpress to offset printing has permitted marginal corrections in the facsimile volumes of textual and other errors in the originals and has at the same time obviated proofreading of type composition.

The originals which form the basis of these reprints were—and are—hard to come by, an obvious factor in the decision of the Massachusetts Historical Society to reissue the entire series for the provincial period, from the first *Journal* for 1715 through that for 1774, or until the Province of the Massachusetts Bay became the State of Massachusetts. Early in the present century Worthington C. Ford, then on the staff of the Library of Congress and later Editor of Publications of this Society, in canvassing likely depositories for a bibliography³

¹ According to the Province Charter, the legislative year began on the last Wednesday in May. *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay*, I (Boston, 1869), 11.

² See Massachusetts Historical Society, *Proceedings*, LX (1926-27), 196, LXI (1927-28), 132-133.

³ Worthington Chauncey Ford, "Bibliography of the Massachusetts House Journals, 1715-1776," Colonial Society of Massachusetts, *Publications*, IV (1910), 201-289.

he was compiling of eighteenth-century Massachusetts House *Journals*, was able to note with some satisfaction that he had succeeded far beyond his early hopes in locating copies, or portions of copies. Even at that, his list of originals was not large (for some issues only one copy is known). And since Ford made his search, few additional originals have turned up. So his listing is still useful in locating surviving copies of the rare early issues.

The reasons for such rarity are numerous. For one thing, most of the *Journals* were printed in small editions (perhaps 300 copies at most), only enough copies being ordered for distribution to each member of the House and to each town and district in the province.⁴ And while widely distributed, these small editions were apparently equally widely dispersed over the years: the volumes came out annually; they treated of homely matters of interest to only a few; and their owners must have been persuaded that copies that had outlived their usefulness were not particularly valuable and hence not worth the trouble of keeping. As a result, surviving originals are now rare.

For many years, the "Printer to the Honourable House of REPRESENTATIVES" in the mid-eighteenth century was Samuel Kneeland. When he produced the record for 1757-1758 he was in his sixties, a fact worth noting since Isaiah Thomas, who knew him then, recalled later that Kneeland was "diligent, and worked at ease [composing type] when far advanced in years." The House printer was, Thomas remembered further, a "pious, friendly, and benevolent man," all of whose four sons were also printers at one time or another.⁵ Despite the awkwardness of some letters in the fonts Kneeland used for setting the House's *Journals*, he used his types with facility and with imagination; this facsimile of a part of one volume that he produced easily testifies to that.

So much is known or readily deduced. Other matters concerning the original of this volume are somewhat less sure. No manuscript of the 1757-1758 record appears to have survived, but one must have existed as the copy from which Kneeland worked. Who prepared such copy? The most likely candidate is the Clerk of the House of Representatives, Henry Gibbs by name, though it is barely possible that someone other than Gibbs worked it up for the printer. But by whomever prepared, how did the copy come to Kneeland—in batches (perhaps at the end of each session) or in one delivery at the close of the legislative

⁴ On the distribution of the 1757-1758 volumes of the *Journals*, see this series, xxxiv, Part 1 (1961), 9, 4.

⁵ Isaiah Thomas, *The History of Printing in America*, 1 (Worcester, 1810), 306. See also Stillman Foster Kneeland, *Seven Centuries in the Kneeland Family* (New York, 1897), pp. 95-101.

On Kneeland and others as official printers to 1750, see Rollo G. Silver, "Government Printing in Massachusetts-Bay, 1700-1750," *American Antiquarian Society, Proceedings*, LXVIII (1958), 135-162.

year? And however he received copy, how did Kneeland compose and print—serially (assuming receipt of copy at the end of each session) or for the whole sitting of the House? Or did he set type in parts and print—and fold and stitch—the sheets all at once? An unbound contemporary copy of a *Journal* would give answers to some of these questions. Most such volumes that I have seen are in eighteenth-century bindings; getting the answers would be accomplished only at the price of destroying such bindings. One would also like to know what Kneeland charged the province for his shop's work on the 1757–1758 *Journal*. Unfortunately, the bill for his services seems not to be preserved with other bills in the Massachusetts Archives for similar work. All we know with certainty about any of his fees for the volume in question is that he charged the province 19s. per sheet that year.⁶

The *Journal* of the Massachusetts House of Representatives that Samuel Kneeland printed for the first part of 1758 and which we reproduce in facsimile in the pages that follow was similar in content to earlier volumes issuing from his shop. The province was still committed to participation in the French and Indian War at all levels, and at the same time its Representatives had to cope with the everyday problems of the rank and file among its citizenry. Soldiers were still petitioning for help; so were widows and (through their guardians) minor children. Petitions from hopeful tavern keepers kept coming in, cheek by jowl with ghosts out of the past. Of the latter, legislation concerning the province's own Stamp Act of the 1750's, the Land Bank of the 1740's, and the division of the estate of Charles Chauncy (dead since 1714), are examples. The pages ahead in these and other respects contain few startling surprises when compared with earlier *Journals*.

But there are, of course, some differences. The naval historian will note the weekly ration of food for each man aboard the province ship of war *King George* that the House voted on March 14; the military historian may find of interest the equipment allowed on April 24 to each soldier going off to fight the French enemy; and the social historian will not overlook the fact that at least one member of the 1757–1758 House—Captain Joshua Hutchins of Lunenburg—was also a publican. But perhaps as important as these occasional differences is the assumption that on the whole the Massachusetts House of Representatives took pains to do its work fairly and well. Most reasonable petitions that came to it, for instance, were assigned for disposition to members who could best handle them: military petitions were handled by military men, legal petitions by judges, local petitions by one's own Representative. However much the House may have

⁶ See this series, xxxiv, Part 1, 16.

differed occasionally with the Council or with Governor Thomas Pownall, it handled the bulk of its daily business neither capriciously nor arbitrarily. Or so the record seems to read; a detailed study (and it would be a useful one for understanding eighteenth-century American political activity) would be needed to verify the assumption.

Although the lower house of the Massachusetts legislature usually met mornings and afternoons six days a week (Sundays only excepted), it was not in continuous session throughout any given legislative year. There were often long recesses between sittings of the General Court. One such recess occurred in 1758, between the conclusion of the Third Session on January 28 and the commencement of the Fourth Session on March 2. During that interval occurred an event hinted at in this part of this *Journal* but which should perhaps be noted more fully here. On January 20, while still sitting, the Council and House by joint vote appointed five commissioners to "confer with the Commissioners that may be appointed by the other *New-England* Governments, for concerting Measures for our mutual Defence." Four days later Governor Pownall issued commissions and instructions to the five so chosen—Thomas Hutchinson and William Brattle of the Council, and John Choate, John Tyng, and Benjamin Prat of the House. Though New Hampshire, Rhode Island, and Connecticut had been invited to send delegates to meet in Boston with those of the Bay Province, only Connecticut saw fit to participate. Her commissioners—Ebenezer Silliman, Jonathan Trumbull, and William Wolcott—met with those of Massachusetts in the Council Chamber in Boston continuously from February 2 to 8 with the exception of February 5, which was a Sunday. Presiding over the sessions was Thomas Hutchinson.⁷

The meeting of commissioners hinted at in the 1758 *Journal* here presented was perhaps more noteworthy for what it did not accomplish than for what it did. Only two provinces participated, and the record of their deliberations—in time of war and in time of obvious need for intercolonial action—makes sorry reading. Their points of agreement were minor, and the areas wherein they failed to agree were major.⁸ It may have been that the late 1750's were simply not the time for intercolonial action, unlike the next decade, as the reprint volumes in this series for the 1760's will show.

The text of both parts of the present volume has been facsimiled from the Harvard Library copy of the original *Journal*. For this willing courtesy, the

⁷ Contemporary MS copies of the commissions and instructions to and the minutes of the commissioners are in the Robert Treat Paine Papers (Mass. Hist. Soc.).

⁸ See John A. Schutz, *Thomas Pownall, British Defender of American Liberty* (Glendale, California, 1951), pp. 118–120.

Massachusetts Historical Society is deeply appreciative. Miss Margaret G. Berner of the Society's staff has been of much assistance in the preparation of this part of Volume XXXIV. So has Mr. Leo Flaherty, Curator of the Massachusetts Archives. Mr. Flaherty's consistent helpfulness in the preparation of the volumes in this series has greatly increased their reliability and utility. I welcome the opportunity of entering into the record anew my very real thanks for his latest contributions.

MALCOLM FREIBERG
Editor of Publications

Boston, Massachusetts
April 19, 1962



V O T E S

Of the House of Representatives.



Lunæ 2. Die Januarii, A. D. 1758.

Petition of *Joseph Parker* of *Falmouth*, in the County of *York*, setting forth, that it has been lately tho't necessary to establish a Ferry over the River called the *Four-River* in said Town, which the Select-Men have accordingly agreed with him to keep, and in Consequence thereof he has been at considerable Expence in providing therefor, but as there is no Tavern near the said Ferry, where Strangers and Travellers may have suitable Entertainment; therefore praying that he may be Licenced for that Purpose.

Petition of
Joseph Parker

Read and *Ordered*, That the Prayer of this Petition be so far granted, as that the Justices of the Court of General Sessions of the Peace for the County of *York*, be and hereby are empowered at their Adjournment on the second Day of *Febr.* next, to grant the Petitioner a Licence (if they see fit) to keep an House of public Entertainment in the Town of *Falmouth*, he first obtaining the Approbation of the Select-Men of said Town, the Time for granting Licences being elapsed notwithstanding.

Order
thereon.

Sent up for Concurrence.

A Petition of *James Ross* of the said Town of *Falmouth*, shewing, that he was employed as a Soldier in the last *Crown-Point* Expedition, and upon his Return delivered his Arms into the Commissary-General's Stores, but this notwithstanding, there is the Sum of *four Pounds* detained from his Wages, on Account of their not being returned; and praying, that he may be allowed to receive his full Wages.

Petition of
James Ross.

Read and *Ordered*, That the Treasurer be directed to pay to *Enoch Freeman*, Esq; for the Use of the Petitioner, the *four Pounds* stoped out of the Wages due to him, on the last *Crown-Point* Expedition, on Account of his Arms not being returned.

Sent up for Concurrence

S f f

A

[insert of] Memorial of *Wm. Ross*. A Memorial *William Ross* of a Place called *Sheepscott* in the County of *York*, setting forth, that in *May* 1755, he with two of his Sons were taken by some Indians, carried to *Quebeck*, and sold for 250 Livres each, where he and his eldest Son served two Years in order to discharge the Sum they were sold for, but for the Redemption of his youngest Son, he was obliged to Col. *Peter Schuyler*, who advanced the Money for him; that being *Lame* and *infirm* by the repeated *Misfortunes* he has met with, he is unable to discharge his said *Obligation*, and support his *Family*; and praying the *compassionate* Regards of this Court, under his difficult *Circumstances*.

Read, and Ordered, That Col. *Lawrence*, Capt. *Waldo*, and *Edward Milliken*, Esq; be a Committee to take this Petition under Consideration, and Report what they judge proper for this Court to do thereon.

Committee
for Redemp-
tion of Cap-
tives.

Ordered, That Col. *Williams*, Col. *Murray*, Col. *Worthington*, Mr. *Tyng*, and Col. *White*, with such as the honourable Board shall appoint, be a Committee to consider of some proper Method for the Redemption of Captives belonging to this Province, now in *Canada*, and Report. Sent up for Concurrence.

Report on
Petition of
Hannah Eells.

The Committee appointed on the Petition of *Hannah Eells*, Reported according to Order.

Read and accepted, and Ordered, That the Prayer of this Petition be granted, and that the Petitioner be, and she hereby is, impowred to make Sale of the Lands mentioned, for the most the same will fetch, she observing the Directions of the Law respecting the Sale of Real Estates by Executors and Administrators; and to make and execute a good and sufficient Deed or Deeds for conveying the Premises to such Person or Persons as shall purchase the same, she first giving Caution to the Judge of Probate for the County of *Plymouth*, for the proper Distribution of the Proceeds of such Sale to and among the said Minors on their arrival at full Age, or to their lawful Heirs.

Sent up for Concurrence.

Report on
Petition of
sick and
wounded
Soldiers.

The Committee appointed on Petitions of sick and wounded Soldiers, Reported on sundry of said Petitions.

Read and accepted, and thereupon Resolved, That there be allowed and paid out of the public Treasury to Mr. *Samuel King* for the Use of *Nath. Collins*, £. 3; for the Use of *Nath. Cooley*, 40s. for the Use of *Trenance Webber* 59s. for the Use of *Joseph Belknap*, 50s. for the Use of *Anthony Needham* 43s. for the Use of *Freeborn Moulton* 15s. and for the Use of *Trustrum Davis*, £. 4. To Capt. *Ithamar Hubbell* for the Use of *Stephen Dewey* and *Nath. Kellogg*, 36s. for the Use of *John Huggins*, £. 3 3s. and for the Use of *Tho. Whitney* £. 3 2s. To Mr. *Fellows Billing* for the Use of *Caleb Smith* 21s. for the Use of *Belah Graves*, £. 6 7s. for the Use of *Daniel Grosfoot*,

Crofoot, 18s. 8d. for the Use of *Richard Montague* 24s. for the Use of *Samuel Hawley*, £.3 18. 8d. for the Use of *Abner Cooley* 51s. To *Samuel White*, Esq; for the Use of *John Danforth*, £.3 1s. for the Use of *John White*, £. 4 10s. for the Use of *Isaac Linkon*, Jun. £.5. for the Use of *Elijah Hatch*, £.3 10s. and for the Use of *Elkanah Smith* 36s. To *John Worthington*, Esq; for the Use of *Ebenezer Day*, 14s. 2d. for the Use of *Daniel Wright*, 46s. 8d. for the Use of *Robert Hassard*, 19s. and for the Use of *Simon Smith*, 24s. To *Timothy Painc*, Esq; for the Use of *Experience Stockwell*, 42s. for the Use of *Samuel Smith*, 56s. and for the Use of *Edward Lyon*, £.3. To Capt. *Jabez Upham* for the Use of *Josiah Beaman*, 31s. for the Use of *Ebenezer Luce*, 20s. 4d. and for the Use of *Simeon Bacon*, 40s. 8d. To Capt. *Nath. Sumner* for the Use of *Mary Blackman*, £.6. To *William Lawrence*, Esq; for the Use of *Joseph Baker*, £.4 10s. To *Joseph Williams*, Esq; for the Use of *John Thwing*, £.5 19s. 6d. To Mr. *Eliphalet Whiting* for the Use of *Michael Ware*, £.3 5s. 6d. To *Thomas Greenwood*, Esq; for the Use of *Joshua Fuller*, 34s. 6d. To Mr. *Josiah Keen*, for the Use of *Francis Keen*, £. 3. To Capt. *Nath. Smith*, for the Use of *Sylvester Richmond*, 55s. 3d. half penny. To Mr. *Matthew Noble* for the Use of *John Bement*, 24s. To Mr. *Josiah Maxey* for the Use of *Elijah Ingraham*, £.5. To Capt. *Joshua Hutchins* for the Use of *John Darling*, Jun. 56s. To Mr. *David Marsh* for the Use of *Ichabod Perkins*, 40s. 6d. To *Isaac Merrell*, Esq; for the Use of *Andrew Flood*, £.3 15s. To Mr. *Ebenezer Stetson* for the Use of *Matthew Briggs*, Jun. £.3 17s. 4d. And to *Nath. Stone*, Esq; for the Use of *Henry Wilson*, £. 3 10s. 4d. being in full Consideration of the Expences in their respective Petitions mentioned. Sent up for Concurrence.

The said Committee Reported on the Petitions of *Consider Soper* and *Samuel Nevers*.

Petitions
committed.

Read and not accepted ; and Ordered, That the Petitions be Re-committed.

The said Committee Reported on the Petitions of *Stephen Cary* and *Joseph Porter*.

Read and Ordered, That the Petitions lie on the Table for further Enquiry.

The said Committee also Reported on the Petition of *Nath. Richardson*.

Report on
Petition of
Nath. Richardson.

Read and accepted, and Resolved, That there be allowed and paid out of the public Treasury to *William Lawrence*, Esq; for the Use of the Petitioner, the Sum of five Pounds seventeen Shillings, in Consideration of his Sufferings & Expences mentioned whilst in the Service on the last *Crown-Point* Expedition ; with the further Sum of twelve Shillings for the Use of his Gun ; also that the Treasurer be directed to pay the four Pounds which by Mistake was stopped out of the Wages due to him on said Expedition, on Account of his Arms not being returned.

Sent up for Concurrence.

Post

Post Meridiem.

Petition of
Sol. Whitney.

A Petition of *Solomon Whitney*, and sundry others, Inhabitants of *Petersham* in the County of *Worcester*, complaining of several unjustifiable, arbitrary and illegal Proceedings of Capt. *Zedekiah Stone*, late Commanding Officer of a Scouting Company on the Frontiers between *Connecticut* and *Merrimack-Rivers* ; and praying the Interposition of this Court, and that such Orders may be given, relative to the Matters of Complaint therein exhibited, as shall be judged proper.

Order on
said Petition.

Read and *Ordered*, That the Petitioners serve the adverse Party Capt. *Zedekiah Stone*, with a Copy of this Petition, that he make Answer thereto, on the second Thursday of the next Sitting of this Court.

Also *Voted*, That the Clerk of the House be directed to summon such Persons, whose Names shall be given in to him by the Petitioners, to appear at said Time, and give Evidence of what they know in the Affair.

Voterelating
to Payment
of Wages &c.

The Committee appointed to consider of some Means for paying off those who have been employed in the Service on board the Province Ship of War &c. made a verbal Report : And thereupon,

Voted, That His Excellency the Governour, with the Advice of the Council, be desired to issue his Warrant on the Treasury for Payment of the Officers and Seamen, who have been employed in the Service on board the Province Ship *King-George*, and also such Trades-mens and other Bills for the Province Ship and Snow, as the Grants for building said Vessels are insufficient to discharge, out of the Appropriation for the eighteen Hundred Men, raised by this Government for his Majesty's Service, under the Command of his Excellency the Earl of *Loudoun*.

Sent up for Concurrence.

Sundry Letters
bro't
down.

Mr. Secretary *Oliver* brought down sundry Letters, which he informed the House, his Excellency had lately received, and had directed him to lay before the two Houses, viz. One from the Earl of *Loudoun* ; with the following Vote of Council accompanying the same, viz. In Council *January 2d 1758*.

His Excellency having been pleased to communicate to the two Houses a Letter from the Right honourable the Earl of Loudoun, dated New-York, December 26th 1757 :

Voted, That *Benjamin Lynde*, *Thomas Hntchinson*, and *William Brattle*, Esqrs; with such as the honourable House shall join, be a Committee to take the same under Consideration, and Report what they judge proper for the two Houses to do thereon.

Sent down for Concurrence.

Read and concur'd ; and Mr. Speaker, Col. *Williams*, Col. *White*, and Col. *Ruggles*, are joined in the Affair.

One from Admiral *Holbourne* ; with the following Vote of Council accompanying the same, viz. In Council *Jan. 2d 1758*.

His

His Excellency having been pleased to communicate to the two Houses a Letter which he had received from the honourable Admiral Holbourne, dated Halifax November 2d 1757 :

Ordered, That Samuel Watts, and John Chandler, Esqrs; with such as the House shall join, wait upon his Excellency the Governour, and pray him to transmit to the Admiral the Thanks of the two Houses, for the Regard he has shewn to the Trade of the Province, in disapproving the impressing our Seamen, at a Time when the Province is under many heavy Burthens, and the Effects of former Impresses upon our Trade and Navigation are still remaining. Sent down for Concurrence.

Read and concur'd ; and Mr. Tyng, Mr. Flucker, and Mr. Sparhawk, are joined in the Affair.

And one from Lord Colvill ; with the following Vote of Council accompanying the same, viz. In Council January 2d. 1758.

His Excellency having been pleased to communicate to the two Houses, a Letter which he had received from the Right Hon. the Lord Colvill, dated at Halifax December 7th 1757 :

Ordered, That Samuel Watts, and John Chandler, Esqrs; with such as the House shall join, wait upon his Excellency the Governour, and pray him to transmit to his Lordship the Thanks of the two Houses for his very kind Expressions of Regard to the Province. Sent down for Concurrence.

Read and concur'd ; and Mr. Tyng, Mr. Flucker, and Mr. Sparhawk, are joined in the Affair.

John Hill, Esq; brought down a Petition of Samuel Torrey, Petition of praying that he may be allowed to Retail spirituous Liquors at his Dwelling-House in Boston, to enable him more comfortably to maintain himself and Family, under his present infirm State of Health. Pass'd in Council, viz. In Council January 2d. 1758. Sam. Torrey.

Read and Ordered, That the Prayer of the Petition be so far granted, as that the Justices of the General Sessions of the Peace for the County of Suffolk, at their Sessions on the first Tuesday of January Instant be, and they hereby are, authorized and impowred (if they see fit) to grant the Petitioner a Licence to Retail strong Liquors, the Time for granting Licences being elapsed notwithstanding. Sent down for Concurrence.

Read and concur'd.

A Petition of Daniel Davis and others, Select-Men of the Town of Barnstable, setting forth, that one Meletiah Lewis of said Town, a Soldier in the Forces raised by this Government for his Majesty's Service, under the Command of his Excellency the Earl of Loudoun, returned home sick, and soon after his Arrival was taken with the Small-Pox, and died, that before his Distemper was known, he communicated it to two of his Children who fell under their Care ; and as he left a large Family in poor Circumstances, the Charge of their Sicknefs will in all Probability fall upon said Town, unless relieved by this Court ; and praying they may be Reimbursed the Charges arisen thereby out of the public Treasury. *Petition of Dan. Davis, &c.*

T t t

Read

Read and *Ordered*, That Capt. *Upham*, Major *Reed*, and Capt. *Sprague*, be a Committee to take this Petition under Consideration, and Report what they judge proper for this Court to do thereon.

Committee
for Enquiry.

On a Motion made and seconded, *Ordered*, That Mr. *Foster*, Capt. *Livermore*, and Col. *Gerrish*, be a Committee to make Enquiry, whether Copies of the Receipts given by the Farmers of the Duties of Excise on spirituous Liquors, for this and the last Year, have been transmitted to the Secretary's Office, and Report.

Memorial
of Capt. *Lithgow*.

A Memorial of Capt. *William Lithgow*, Commanding Officer at *Fort-Halifax*, on *Kennebeck-River* in the County of *York*, setting forth the Necessity, as he apprehends, of having a greater Number of Commission and Non-Commission Officers allowed for said Fort, the two Redoubts and Store-House at *Cushnoc*, and for taking proper Care of the Boats and Stores when transported up said River, than was provided for by the last Establishment; and praying that they may be accordingly allowed, and that those who have been obliged to perform the Duty of Officers there the Year past, may receive proportionable Wages.

Read and *Ordered*, That this Memorial be committed to the Committee appointed on the Petition of *James Howard*, as entred the 22d of *December* last, to consider, and Report what they judge proper to be done thereon.

Petition of
John Minot,
Esq;

A Petition of *John Minot* of *Brunswick*, Esq; and sundry others, praying that they may have a suitable Allowance for their Time and Expences in attending on this Court, to which they were summoned to appear, and give Evidence of what they knew relative to the Matters contained in the Memorial of Capt. *James Cargill*. Also,

A Petition of Capt. *James Howard*, in Behalf of himself and sundry others, of the like Import.

Read and *Ordered*, That the said Petitions lie on the Table.

Then the House adjourn'd till to Morrow Morning Ten o'Clock.

Martis 3. Die Januarii, A. D. 1758.

Resolve re-
lating to Capt
Cargill's Me-
morial &c.

I *Saac Royall*, Esq; brought down the Memorial of Capt. *James Cargill*, with the Answer of Capt. *Jabez Bradbury*, to the several Allegations therein contained, and the other Papers accompanying the same.

Pass'd in Council, viz. In Council *December* 31st 1757.

The Board taking into Consideration the Petition of *James Cargill*, and the Hearing had thereon before both Houses, so far as said Petition respected the Conduct of Capt. *Jabez Bradbury*:

Thereupon, *Resolved*, That the Charges against said Capt. *Bradbury*, have not been sufficiently supported to prove him an unfaithful Officer:

Ordered, That the Petition be dismiss'd.

Sent down for Concurrence.

Read,

Read, and after a large Debate thereon, non-concur'd ; and
Voted, That Capt. *Cargill* has not supported his Charge against *Capt. Jabez Bradbury*, relating to his carrying on a clandestine Trade with the *Indians*, in Time of War. *Also*,
 Vote relating to said Affair.

Voted, That it does not appear to the House, that Capt. *Bradbury* has give any Intelligence to the *Indians*, inconsistent with the Orders he received from the Government.

Sent up for Concurrence.

Mr. Secretary *Oliver* came down with a Message from his Excellency the Governor : Which he read, and laid on the Table.

His Excellency's said Message is as follows, *viz.*

Gentlemen of the House of Representatives,
I Have this Morning received by the Hands of Mr. *Stakes*, a Memorial in Behalf of Col. *Schuyler*, praying the Reimbursement of Monies advanced by him to several People of this Province, in the Distresses of their Captivity. *Message from the Governour.*

I could order the several Sums advanced to each Person, to be stopped in their respective Pay, at the making up the Muster-Rolls ; But I cannot but imagine, that when you consider the very calamitous Circumstances of those poor Sufferers, you will be induced to afford them this Relief, so seasonably and charitably advanced by Col. Schuyler ; especially, as at the same Time, you may have an Opportunity of doing Honour to those Virtues and Services he has exerted for his Country.

Province-House,

T. POWNALL.

Jan. 3. 1758.

His Excellency's Message aforegoing was read, together with the Memorial of *Benjamin Stakes*, therein mentioned, and the Papers accompanying it ;—and *Order thereon.*

Ordered, That the same be taken under Consideration to Morrow at three o'Clock Afternoon.

Post Meridiem.

The Committee to whom was Re-committed the Bill Intituled *An Act further to exempt Persons commonly called Quakers and Anabaptists from paying Ministerial Taxes*, Reported their Amendments. *Bill read &c.*

Read, and accepted ; and thereupon the said Bill was read a third Time, and pass'd to be Engros'd.

Sent up for Concurrence.

The Committee appointed on the Petition of Mr. *Matthew Noble*, Reported thereon. *Report on Petition of Mr. Matthew Noble.*

Read and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to the Petitioner, the Sum of sixteen Shillings, being in full for the fifteen Days Wages omitted in the Muster-Roll of the Company his said Servant belonged to, on the last *Crown-Point* Expedition.

Sent up for Concurrence.

Jacob

Report on
the Charge
of French
Neutrals
bro't down.

Jacob Wendell, Esq; brought down the Report of the Committee of both Houses, appointed the 29th of *November* last, to prepare an Account of the Charge that has arisen to the Province by the French Inhabitants of *Nova-Scotia*, now here.

Signed *Samuel Watts*, per Order.

In Council *January* 3d. 1758. Read and sent down.

Read and *Ordered*, That the Report be committed to the Committee appointed to consider of some proper Measures for easing the Province of the Charge of supporting the said French People.

Committee
directed.

Ordered, That the Committee to whom was Re-committed the Bill in Addition to the Laws for regulating the Militia, for the proposed Amendments, be directed to sit, and Report as soon as may be :—And that the House take the said Bill under Consideration, at ten o'Clock to Morrow Morning.

Report on
Petition of
Sarah Richard-
son.

The Committee appointed on the Petition of *Sarah Richardson*, Reported according to Order.

Read and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that the Petitioner, in her said Capacity of Administratrix, be, and hereby is, authorized and empowered to make Sale of the Real Estate mentioned, for the most the same will fetch, and to make and execute a good and sufficient Deed or Deeds for Conveyance thereof, the observing the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient Caution to the Judge of Probate for the County of *Middlesex*, that the Produce arising by said Sale shall be secured for the right Heirs of the said Deceased, viz. the Remainder of the two Thirds, after the Payment of the just Debts of the said Deceased, and the other Third after the Decease of the said Widow. Sent up for Concurrence.

Then the House adjourn'd till to Morrow Morning Ten o'Clock

Mercurii 4. *Die Januarii*, A. D. 1758.

Petition of
Ezek. Cushing
Esq; &c.

A Petition of *Ezekiel Cushing*, Esq; and many others, in the County of *York*, setting forth, that said County being a long extended Frontier, they are in constant Danger of being Attacked by the Enemy ; and, to enable them to make a better Defence, and to secure their Wives and Children, and Cattle, it is apprehended the building Bridges over *Saco* and *Pesumpscot* Rivers, would be very beneficial ; therefore praying, they may receive such Assistance from this Court, as shall be judged proper.

Read and *Ordered*, That the Petitioners have Liberty to bring in a Bill empowering them to carry on a Lottery, the Money arising thereby, to be applied for the Purposes in their Petition mentioned.

The

The Committee appointed on the Petition of *Josiah Loomis*, and others, Inhabitants of Province Lands, West of *Sheffield*; and on the Petition of *Jonathan Nash*, and others, of the second Precinct in said Town of *Sheffield*, Reported thereon. Report on Petition of *Josiah Loomis*, &c.

Read and *Ordered*, That the Report be Re-committed for the Amendments proposed.

The Committee to whom was Re-committed the Bill Intituled, *An Act in Addition to the several Acts of this Province for regulating the Militia*, Reported their Amendments. Read and accepted. Report on Militia Bill, and Order thereon.

The House then proceeded in the Consideration of said Bill; and after a further Debate had thereon,

Ordered, That the Bill be Re-committed for the further Amendments proposed; and that Col. *Choate* be added to the Committee.

Post Meridiem.

The Committee to whom was Re-committed their Report on the Petition of *Josiah Loomis*, and others; and on the Petition of *Jonathan Nash*, and others, Reported the Amendments proposed. Report on Petition of *Josiah Loomis*, &c.

Read, and accepted, and *Voted*, That the said Petitioners, Subscribers of the Petition of *Josiah Loomis*, &c. have Liberty to bring in a Bill accordingly.

The Committee appointed on the Bill Intituled *An Act for incorporating a Neck of Land called Merriconeague-Neck, and certain Islands adjacent in the County of York, into a seperate District by the Name of*——: Reported according to Order. Report on a Bill.

Read, and not accepted, and thereupon the said Bill was read a third Time, and pass'd a Concurrence to be Engross'd.

The House Re-assumed the Consideration of the Report of the Committee appointed on the Petition of *Amos Fuller*, and others, Select-Men of the Town of *Needham*. Order on Petition of *Amos Fuller*.

Read again, and *Ordered*, That the Report be Re-committed for the Amendments proposed.

A Bill Intituled *An Act for raising the Sum of One Thousand two Hundred Pounds by Lottery, for building and maintaining a Bridge over Saco and Presumpscot Rivers, in the County of York*. Bill read and Order thereon.

Read a first Time;—and *Ordered*, That the Bill have a second Reading at ten o'Clock to Morrow Morning.

Ordered, That the Committee appointed to make the proposed Amendments on the Militia-Bill, be directed to sit, and Report as soon as may be:—And that Mr. *Foster* be of the Committee, in the Room of Mr. *Tyng*, who is excused from that Service. Committee directed &c.

A Memorial of *John Osborne*, Esq; and others, shewing, that they were appointed by the General Court the 19th of *February* 1756, a Committee to provide Warlike Stores, and other Articles for the Expedition then carrying on against *Crown-Point*, which Service they have faithfully attended, and (as they hope) to good Acceptance; that very large Sums have passed thro' their

Hands, the Accounts whereof are prepared, and ready to be presented for Allowance ; and praying, that they may be allowed to charge in their said Accounts, what shall be judged reasonable on the Monies received, and Disbursements made by them.

Read and *Ordered*, That Col. *Lawrence*, Col. *Quincy*, Capt. *Williams*, Mr. *Sparhawk*, and Capt. *Brown*, be a Committee to take this Memorial under Consideration, and Report what they judge proper to be done thereon.

Report on
Petition of
William Ross,

The Committee appointed on the Petition of *William Ross*, Reported thereon.

Read, and accepted, and *Resolved*, That, in Consideration of the Petitioner's great Sufferings and Losses as mentioned in his said Petition, there be granted and paid to him or his Order, out of the public Treasury, the Sum of *fifteen Pounds*, to enable him to discharge his Obligation to the Hon. *Peter Schuyler*, Esq; for the 250 Livres by him advanced to the Petitioner, for the Redemption of his said Son *Robert* ; and that there be *twenty Shillings* more allowed and paid him out of the public Treasury, to bear his Expences to his own Habitation.

Sent up for Concurrence.

Bill enacted. An Engross'd Bill Intituled, *An Act for altering a Clause in an Act made in the thirtieth Year of his present Majesty's Reign, Intituled An Act to prevent Damages being done unto Billingsgate-Bay, in the Town of Eastham, by Cattle and Horses feeding on the Beach and Islands adjoining thereto.*

Read and *Resolved*, That the Bill pass to be Enacted.

Order on
Governor's
Message.

The House, according to the Order of the Day, took under Consideration his Excellency's Message of Yesterday ; Which was thereupon read again, together with the several Papers accompanying the same ; and

Ordered, That *James Russell*, Esq; Col. *White*, and Col. *Hale*, be a Committee to take his Excellency's said Message, and the Memorial and other Papers accompanying it, into Consideration, and Report what they judge proper for this Court to do thereon.

Report on
Petition of
Sam. Thacher.

The Committee appointed on the Petition of *Samuel Thacher*, Reported according to Order.

Read, and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that the Petitioner be, and he hereby is, authorized and impowered to make an Exchange of the Lands mentioned, and to make and execute a good and sufficient Deed or Deeds of Conveyance thereof, provided that the Deeds of the Lands which he shall receive in exchange for those he shall convey, be taken in the Name of the said Minor.

Sent up for Concurrence.

Petition of
Nathan Lovejoy.

A Petition of *Nathan Lovejoy* of *Andover*, in the County of *Essex*, setting forth, that he entred into the Service on the last *Crown-Point* Expedition, and received an Ensign's Commission therein, that he is not conscious of any Neglect of Duty or Misconduct

conduct whilst in the Service ; but is informed that his Name was struck out of the Muster-Roll by the Committee appointed to examine the same, whereby he is deprived of receiving any Pay ; and praying, that he may be allowed the Wages, which he apprehends he is justly entitled to, agreeable to Establishment.

Read and *Ordered*, That this Petition be committed to Capt. *Smith*, Capt. *Sprague*, and Col. *Jones*, to consider, and Report thereon.

A Petition of *Joshua Bordman* of *Sheffield*, in the County of *Hampshire*, setting forth, that he was impressed into the Service on the last *Crown-Point* Expedition, and faithfully performed his Duty therein, until he was taken sick the latter End of *October*, 1756, and returned home some Time in *November* following, but finds (thro' some Mistake) he is born in the Muster-Roll for not half the Time he was actually in the Service ; and praying, that he may be allowed the Wages due to him.

Petition of
Joshua Bordman.

Read and *Ordered*, That this Petition be committed to the last mentioned Committee, to make Enquiry, and Report thereon.

The Petition of *Joshua Burr*, and others, as entred the 10th of *December* last, was read again ; and

Order on
Petition of
Joshua Burr.

Ordered, That *Jacob Cushing*, Esq; Mr. *Lancaster*, and Col. *Nichols*, be a Committee to consider the same, and Report what they judge proper to be done thereon.

The Committee to whom was Re-committed their Report on the Petition of *Amos Fuller*, &c. Select-Men of the Town of *Needham*, Reported the Amendments proposed.

Report on
Petition of
Amos Fuller.

Read, and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that the Select-Men of *Needham* have Liberty to remove seven of the said French Persons from *Needham*, to *Stoughton* ; and that the Select-Men of *Stoughton*, be, and hereby are, directed to receive the said seven Persons so removed, under their Care.

And whereas there are already three of the late French Inhabitants of Nova-Scotia at Stoughton, and but two at Wrentham :

It is further, *Ordered*, That the Select-Men of *Stoughton* (on receiving the said seven Persons) have Leave to remove the aforesaid three Persons to *Wrentham* ; and that the Select-Men of *Wrentham*, be, and hereby are, directed to receive the same under their Care.

Sent up for Concurrence.

The Committee appointed on Petitions from sick and wounded Soldiers, Reported on sundry of said Petitions : Which were read, and the Reports accepted ;—and thereupon,

Report on
Petitions of
sick and
wounded
Soldiers.

Resolved, That there be allowed and paid out of the public Treasury to Capt. *Nathanael Smith*, for the Use of *Jabez Wood*, 20s. To *Joseph Gerrish*, Esq; for the Use of *Edmund Bailey*, £.4 4s. 8d. and for the Use of *Sarah Perkins*, £.4 7s. 6d. To *Michael Dalton*, Esq; for the Use of *Richard Kent*, 20s. To Capt. *Timothy Walker*, for the Use of *Peter Carpenter*, 40s. To Capt. *Henry King*, for the Use of *Samuel Reed*, Junr. £.4 5s. 4d. To *Benjamin Reed*, Esq; for the Use of *Samuel Nevers*, £.6 5s. 6d. To Capt.

James

James Barret, for the Use of *Consider Soper*, £.4 2s. 8d. and to *Capt. Ephraim Spaulding*, for the Use of *James Emery*, £.3 9s. 8d. being in full Consideration of the Expences in their Petitions respectively mentioned. Sent up for Concurrence.

Report on
Petition of
Caleb Wood.

The said Committee Reported on the Petition of *Caleb Wood*.
Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to *Capt. Nathanael Smith*, for the Petitioner's Use, *six Pounds one Shilling and nine Pence*, in Consideration of his Expences and Sufferings, as mentioned :— Also that the Treasurer be, and hereby is, directed to pay the *four Pounds* stopped out of the Wages due to him on the last *Crown-Point* Expedition, on Account of his Arms not being returned. Sent up for Concurrence.

Report on
Petition of
*Abraham
Johnson.*

The said Committee also Reported on the Petition of *Abraham Johnson*.
Read, and after a Debate thereon, *Ordered*, That the Petition be Re-committed for further Enquiry.

Order on
Petition of
Joseph Lynde.

The Petition of *Joseph Lynde*, and others, Select-Men of the Town of *Malden*, as entred the 1st of *December* last, was read again ;— and

Ordered, That *Col. Lawrence*, *Col. Buckminster*, and *Capt. Milliken*, be a Committee to take the Petition under Consideration, and Report what they judge proper to be done thereon.

Order on
Petition of
Jona. Hill.

The Petition of *Jonathan Hill*, as entred the 23d of *December* last, was read again ;— and

Ordered, That the Prayer of this Petition be granted ; and that the Treasurer be directed to pay the Petitioner the *four Pounds* detained out of the Wages due to him on the last *Crown-Point* Expedition, for not returning his Arms.

Sent up for Concurrence.

Report on
Militia Bill.

The Committee to whom was Re-committed the Militia-Bill, Reported the Amendments proposed.

Read, and accepted, and *Ordered*, That the Bill have a third Reading to Morrow at Eleven o'Clock.

Then the House adjourn'd till to Morrow Morning Ten o'Clock

Jovis 5. Die Januarii, A. D. 1758.

Bill read.

A Bill Intituled *An Act for incorporating the Lands called Province Lands, West of Sheffield, and East of Noble's Town, in the County of Hampshire, into a seperate District by the Name of—*

Read a first Time, and *Ordered*, That the Bill have a second Reading at three o'Clock Afternoon.

Bill En-
grofs'd.

A Bill Intituled *An Act for raising the Sum of One Thousand two Hundred Pounds by Lottery, for building and maintaining a Bridge over Saco and Pesumpscot Rivers, in the County of York.*

Read a second and third Time, and pass'd to be Engros'd.

Sent up for Concurrence.

The

The Committee appointed on the Memorial of Capt. *William Lithgow*, Reported verbally, that they were of Opinion there was no Need of providing for a greater Number of Officers at *Fort-Halifax*, than is already provided for by the present Establishment. Report on Memorial of Capt. William Lithgow, And thereupon,

Ordered, That the Memorial be dismiss'd accordingly.

The said Committee also Reported on the Petition of *James Howard*. James Howard.

Read and *Ordered*, That the Petition be Re-committed for further Enquiry.

The Committee appointed on the Petition of *Solomon Demons*, and others, Inhabitants of *Pontoosuck*, Reported according to Order. Report on Petition of Solomon Demons.

Read, and thereupon, *Resolved*, That the Prayer of this Petition be so far granted, as that, on the Petitioners (at their own proper Charge and Expence) building a suitable Place of Defence for themselves and Families against the Indian Enemy, the Pay and Subsistence of ten Men be allowed to the said Settlers, from the first Day of *March* next, to the first Day of *November* following ; and that his Excellency the Captain-General be desired to give Orders for inlisting them into the Service, to do Duty alternately, ten at a Time. Sent up for Concurrence.

The Committee appointed on the Memorial of *William Williams*, Esq; Reported according to Order. Order on Memorial of William Williams, Esq,

Read, and not accepted ; and *Ordered*, That the Petition be dismiss'd.

Post Meridiem.

A Petition of *Jonathan Barnard* of *Waltham*, in the County of *Middlesex*, shewing, that he had a Son who went into the Service on the Expedition against *Crown-Point* in the Year 1755, who was killed in the Battle near *Lake-George*, at which Time his Gun (which he carried with him) was lost ; and praying, that he may receive the Value thereof out of the public Treasury. Petition of Jonathan Barnard.

Read and *Ordered*, That Capt. *Livermore*, Mr. *Hall*, and Mr. *Lancaster*, be a Committee to consider this Petition, and Report thereon.

A Bill Intituled *An Act for incorporating the Lands called Province Lands, West of Sheffield, and East of Noble's Town, in the County of Hampshire, into a separate District by the Name of—*. Order on Bill.

Read a second Time, and *Ordered*, That the Bill be Re-committed for the better ascertaining the Bounds of the proposed District.

The Committee to whom was Re-committed their Report on the Petition of *James Howard*, Reported according to Order. Report on Petition of James Howard.

Read, and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that the Petitioner be, and hereby is, allowed to receive Lieutenant's Pay from the Time of making up his Roll in *June* 1756, to this Time, and so to the Time of making

making up his next Roll, provided he be continued in his Command at the Store-House at *Cushnoc*, until that Time; and also to make up one Sergeant and one Corporal, for the Time aforesaid, including what they have received as private Soldiers.

Sent up for Concurrence.

Order on a
Bill.

A Bill Intituled *An Act in Addition to the several Acts of this Province, for regulating the Militia.*

Read a third Time, and Ordered, That the Bill be Re-committed for the Amendments proposed.

Then the House adjourn'd till to Morrow Morning Ten o'Clock.

Veneris 6. Die Januarii, A. D. 1758.

Petition of
Tabitha Ramsdell.

A Petition of *Tabitha Ramsdell*, Administratrix of the Estate of *Ebenezer Ramsdell*, late of *Lynn*, in the County of *Essex*, deceased, shewing, that the Debts against said Estate amount to considerably more than the Personal Estate left by the Deceased will enable her to discharge; and praying, that she may be impowered to sell (of the Real Estate,) sufficient for Payment of said Debts.

Read and Ordered, That this Petition be committed to Capt. *Collins*, Mr. *Lancaster*, and Col. *Gerrish*, to consider, and Report thereon.

Report on
Petition of
Thomas Perley, &c.

The Committee appointed on the Petition of Mr. *Thomas Perley*, and others, Select-Men of the Town of *Boxford*, Reported thereon.

Read, and accepted, and Ordered, That the Prayer of this Petition be so far granted, as that the Select-Men of the said Town of *Boxford*, have Liberty (if they see Cause) to remove six of the French People mentioned, that have been sent to them, to the Town of *Middleton*, viz. *Ommoi Landerie*, his Wife and Family; and the Select-Men of the said Town of *Middleton*, are hereby directed to receive the said *Ommoi Landerie*, and his Family, accordingly.

Sent up for Concurrence.

Memorial of
Enoch Freeman, Esq;

A Memorial of *Enoch Freeman, Esq;* Administrator of the Estate of *Thomas Westbrook*, late of *Falmouth*, in the County of *York, Esq;* deceased, setting forth, that having some Time ago represented the Estate of the said Deceased Insolvent, and the Commissioners appointed to receive the Claims of the Creditors, having allowed the same, as far as could be known, he applied to the Superiour Court when Sitting at *York* in *June* last, for Liberty to sell so much of the Real Estate of the Deceased, as would enable him to pay the said Creditors Demands; but as an Action on a Mortgage on said Estate, to Mr. *Joseph Sherburne*, was then before said Court for Judgment, and by them referred till the Damages sustained by his being bound for the said *Westbrook*, could be ascertained, he could not obtain the Liberty petitioned for; and the same being now settled, and thereby the Amount of the Debts rendered certain, which appear to be much more than

than the Personal Estate will discharge ; therefore, praying Liberty to sell the said mortgag'd Estate for Payment of the said *Sherburne*, and so much more of the Real Estate, as will enable him to discharge the remaining Part of said Debts.

Read and Ordered, That Col. *Ruggles*, *Edward Milliken*, Esq; and Col. *White*, be a Committee to take this Memorial under Consideration, and Report thereon.

Joseph Pyncheon, Esq; brought down the Draught of a Message to his Excellency the Governor, as prepared by the Committee of both Houses, appointed on his Excellency's Message of the 2d Instant, and Letter from the Right Hon. the Earl of *Loudoun* to the Governor, accompanying the same.

Message from both Houses to his Excellency the Governor.

Which is as follows, viz.

May it please your Excellency,

WE are very glad to perceive by the Letter from His Excellency the Earl of *Loudoun*, which you have been pleased to direct the Secretary to lay before us, that the Conduct of the General Court is so well approved of, and that his Lordship has thereupon countermanded the Orders which he had given for Marching Troops to be Quartered and Billeted within this Province.

We thank your Excellency for your good Offices in our Behalf, and for the Care and Pains, which we are sensible you have taken, to avert the Troubles which seem'd to be coming upon us.

We doubt not that future Assemblies will act upon the same Principles with this Assembly, and that the *Massachusetts* Province will always deserve the favourable Opinion of the General of his Majesty's Forces.

We wish to stand perfectly Right with his Lordship ; and it will be a great Satisfaction to us if we may be able to remove his Misapprehension of the Spring and Motive of our Proceedings.

His Lordship is pleas'd to say, that we seem willing to enter into a Dispute upon the Necessity of a Provincial Law to enforce a *British* Act of Parliament.

We are utterly at a Loss what Part of our Conduct could give Occasion for this Expression.

The Point in which we were obliged to differ from his Lordship, was the Extent of the Provision made by Act of Parliament for Regulating Quarters. We thought it did not reach the Colonies. Had we thought that it did reach us, and yet made an Act of our own to enforce it, there would have been good Grounds for his Lordship's Exception ; but, being fully persuaded that this Provision was never intended for us, what better Step could we take, than, agreeable to the twentieth Section in the Articles of War, to regulate Quarters according as the Circumstances of the Province require, but still as similar to the Provision made in *England*, as possible : And how can it be infer'd from hence, that we suppose a Provincial Act necessary to enforce an Act of Parliament ?

We

We are willing, by a due Exercise of the Powers of Civil Government (and we have the Pleasure of seeing your Excellency concur with us) to remove, as much as may be, all Pretence of Necessity of Military Government : Such Measures we are sure will never be disapproved by the Parliament of *Great-Britain*, our Dependence upon which we never had a Desire or Thought of lessening.—From the Knowledge your Excellency has acquired of us, you will be able to do us Justice in this Regard. In our Message to your Excellency, which you had transmitted to his Lordship, we declared that the Act of Parliament, the Extent of which was then in Dispute, so far as it relates to the Plantation, had always been observed by us.

The Authority of all Acts of Parliament which concern the Colonies, and extend to them, are ever acknowledged in all the Courts of Law, and made the Rule of all Judicial Proceedings in the Provinces.

There is not a Member of the General Court, and we know of no Inhabitant within the Bounds of the Government, that ever questioned this Authority.

To prevent any ill Consequences that may arise from an Opinion of our holding such Principles, we now utterly disavow them ; as we should readily have done at any Time past, had there been Occasion for it : And we pray that his Lordship may be acquainted therewith, that we may appear in a true Light, and that no Impressions may remain to our Disadvantage.

Pass'd in Council, viz. In Council *January 5th 1758.*

Read, and accepted, and *Ordered*, That Sir *William Pepperrell*, *Stephen Sewall*, and *James Bowdoin*, Esqrs; with such as the honourable House shall appoint, be a Committee to present the same accordingly. Sent down for Concurrence.

Read and concur'd, and Mr. *Tyng*, Col. *Choate*, Col. *Hale*, and Mr. *Bacon*, are joined in the Affair.

Petition of
Timothy Paine
Esq; refer'd.

The Committee appointed, the last *May* Sessions, on the Petition of *Timothy Paine*, Esq; and to consider of some general Provision with Regard to the Stamps undisposed of, by those who purchased the same of the Commissioner, Reported according to Order.

Read and *Ordered*, That the Petition and Report be referred for Consideration, till the next Sitting of the Court.

Committee
for Revival
of Laws.

Ordered, That Mr. *Gridley*, Capt. *Williams*, Mr. *Bacon*, Col. *Hale*, and Col. *Worthington*, be a Committee to examine the Laws that are expired or near expiring, and Report thereon.

Resolve on
Memorial
of Sir *Wil-*
liam Pepper-
rell, Baronet.

The Memorial of Sir *William Pepperrell*, Baronet, as entred the 12th of *April* last, and afterwards referred, was read again ; together with the Report of the Committee appointed thereon the 8th of *June* last. And

Resolved, That the House take the same under Consideration at three o'Clock Afternoon.

The Committee appointed on Petitions from sick and wounded Soldiers, to whom was Re-committed the Petition of *Abraham Johnson*, Reported that they had made Enquiry relative to the Petitioner's being born on the Muster-Roll, and find it true: Thereupon the Report was read again; and after a Debate thereon,

Report on
Petition of
*Abraham
Johnson*.

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner, the Sum of *fourteen Pounds*, in Consideration of his Sufferings and Expences mentioned, after his Return home from the Army raised for the Expedition against *Crown-Point*, in the Year 1755. Sent up for Concurrence.

William Brattle, Esq; brought down the Bill Intituled *An Act for raising the Sum of One Thousand two Hundred Pounds by Lottery, for building and maintaining a Bridge over Saco and Pequampscot Rivers, in the County of York*.

Bill bro't
down and
Engross'd.

Pass'd in Council, viz. In Council *January 5th* 1758.

Read a first and second Time, and pass'd a Concurrence to be Engross'd, with the Amendments. Sent down for Concurrence.

Read and concur'd.

The Committee appointed on the Petition of *Enoch Freeman*, Esq; Reported thereon.

Report on
Petition of
*Enoch Free-
man*, Esq;

Read, and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that the Petitioner be, and hereby is, allowed to make Sale of so much of the Real Estate of the said Deceased, including said mortgag'd Estate, as is sufficient to pay his Debts, and to make and execute a good and sufficient Deed of Deeds in Law for Conveyance thereof, the said *Enoch* observing the Laws relating to the Sale of Real Estates by Executors and Administrators. Sent up for Concurrence.

[or]

A Memorial of *John Whitney*, and others, a Committee of the District of *Shirley*, in the County of *Middlesex*, praying, that their Petition presented to the last Assembly, for Part of the Town of *Lunenburg's* being annexed to the said District, may be revived, and the Affair again taken under Consideration, and that done thereon, which to this Court shall seem meet.

Memorial of
John Whitney
&c.

Read, and the Question being put,

Whether it be the Mind of the House, that the Memorial should be sustained? It pass'd in the Negative.

The Committee appointed to examine the Records of this Court, and Report the last Establishment of Provisions, &c. for the Soldiers posted on the Frontiers, Reported according to Order.

Committee
on Establish-
ment.

Read and *Ordered*, That the Report lie on the Table.

Post Meridiem.

The Amendments proposed being made on the Act Intituled, *An Act for incorporating the Lands called Province Lands, West of Sheffield, and East of Noble's Town in the County of Hampshire, into a seperate District by the Name of—*, were read and accepted: And thereupon the said Bill was read a third Time, and pass'd to be Engross'd. Sent up for Concurrence.

Bill En-
gross'd.

Y y y

Ordered,

Committee
to examine a
Law.

Ordered, That Col. *Quincy*, Col. *Choate*, and Col. *Hale*, be a Committee to examine the Law passed in the 16th Year of his present Majesty's Reign, Intituled *An Act in Addition to the several Acts or Laws of this Province for the Settlement and Support of Ministers*, and Report what Amendments they judge proper should be made therein.

Report on
Petition of
Tabitha Ram-
sdell.

The Committee appointed on the Petition of *Tabitha Ramfsdell*, Reported thereon.

Read, and accepted, and Ordered, That the Prayer of this Petition be granted ; and that the Petitioner (in her said Capacity of Administratrix) be, and she hereby is, impowered to make Sale of so much of the Real Estate of the said Deceased, as will amount to the Sum of *Seventy four Pounds eighteen Shillings and five Pence one Farthing*, and the Charges arising by such Sale ; and to make and execute a good and sufficient Deed or Deeds in the Law for Conveyance thereof, she observing the Rules of the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient Caution to the judge of Probate for the County of *Essex*, for the Application of the Money arising by said Sale for Payment of the Debts mentioned, and for her duly accounting for the Overplus, if any there be.

Sent up for Concurrence.

Report on
a Bill.

The Committee appointed for the proposed Amendments on the Bill Intituled, *An Act in Addition to the several Acts of this Province for regulating the Militia*, Reported thereon.

Read, and accepted ; and thereupon the said Bill was pass'd to be Engross'd.

Sent up for Concurrence, by Col. *Nichols*, Mr. *Gridley*, Mr. *Flucker*, Col. *Lawrence*, and Capt. *Dalton*.

Grants to
Sir *William*
Pepperrell.

The House, according to the Order of the Day, took under Consideration the Memorial of Sir *William Pepperrell*, Baronet, with the Report of the Committee appointed thereon, as formerly entred and referred : And after a large Debate had,

Resolved, That there be granted and paid out of the public Treasury to Sir *William Pepperrell*, Baronet, in Addition to the Grant made him the 2d of *January* 1754, the Sum of *One Hundred and Eighty eight Pounds*, in full of the Wages due to him for his Services as Lieutenant-General in the late Expedition against *Louisbourg*.

Sent up for Concurrence.

Also,

Resolved, That there be granted and paid out of the public Treasury to Sir *William Pepperrell*, Baronet, the Sum of *One Thousand Pounds*, in full of his Expences while employed as Lieutenant-General in the late Expedition against *Louisbourg*.

Sent up for Concurrence.

Sundry Pa-
pers bro't
down.

Mr. Secretary *Oliver* brought down sundry Papers, which he informed the House his Excellency had directed him to lay before them, in Consequence of what he had said in his Speech at the Opening of the Sessions.

Then the House adjourn'd till to Morrow Morning Ten o'Clock.

Sabbati 7. Die Januarii, A. D. 1758.

THE Committee appointed on the Memorial of Capt. *Jonas Fitch*,
Reported according to Order. Report on
Memorial of
Jonas Fitch.

Read and accepted; and *Voted*, That it appears to this Court, that the Farmer of the Duties of Excise on spirituous Liquors for the County of *York*, is not entitled by Law to the said Duty on the Rum delivered to the Soldiers by the Memorialist, as Sub-Commissary; and that the Memorialist be and hereby is directed to conform himself accordingly. Sent up for Concurrence.

On a Motion made and seconded, the Petition of *John Malcom*, and *Joseph Deckers*, as entered the 23d of *April* last, and referred to the *May* Sessions, was read; and Order on
Petition of
John Malcom,
&c.

Ordered, That the Petition be revived; and that Capt. *Livermore*, Col. *Choate*, and Capt. *Williams*, be a Committee to consider the same, and Report thereon.

A Petition of *Gilbert Deblois*, of *Boston* in the County of *Suffolk*, Merchant, setting forth, that he frequently Imports large Quantities of Goods from *Great-Britain*, and keeps a Store-House at *Newport* in *Rhode-Island* Government, whither he Re-ships great Part of them, without their being unpacked, or even Landed within this Province; that the Impost-Officer demands of him the Duties of Impost, which he apprehends (altho' by the Letter of the Law he may be held to pay) does not come within the Spirit and Intention of it; and praying, that the Affair may be taken into Consideration, and he be freed from paying said Duty on such Goods Re-shipped, to prevent his being necessitated to order them from *Great-Britain* to *New-York*, which would be disadvantageous to the Trade of this Province. Petition of
Gilbt. Deblois.

Read and *Ordered*, That Mr. *Flucker*, Col. *Gerrish*, and Col. *Nichols*, be a Committee to take this Petition under Consideration, and Report what they judge proper for this Court to do thereon. Report on
an Establish-
ment, &c.

The Committee to whom was Re-committed their Report of an Establishment for those of the Militia who marched on the late Alarm for the Relief of Fort *William-Henry*, Reported the Amendments proposed.

Read, and after a Debate thereon, *Ordered*, That the Secretary be directed to attend the House.

Who attended accordingly.

When Mr. Speaker was pleas'd to enquire of him, Whether any Returns had been made of the Militia, who marched the last Summer for the Relief of Fort *William-Henry*; and whether there was any Account of the Expence attending the same?

Mr. Secretary informed the House, That he understood there were Returns of the Men made by General *Winslow*, to his Excellency; but no Account that he knew of, of any Expences. Committee
to wait on
his Excellen-
cy the Go-
vernour.

Ordered, That Mr. *Tyng*, Capt. *Stevens*, and Mr. *Foster*, be a Committee to wait upon his Excellency the Captain-General, and desire he would be pleased to order the Returns he received from General *Winslow*, of those of the Militia who marched on the late Alarm

Alarm for the Relief of Fort *William-Henry*, to be laid before the House in order to the making Provision for their Payment.

Who returned, that they had waited upon his Excellency, and delivered the Message ; Who was pleased to say, he would give Orders that the said Returns should be laid before the House.

The further Consideration of the Report of the Committee on the Establishment for said Militia, was then referred.

Order on
Governor's
Message.

His Excellency's Message of the 30th of *December*, relating to the Train of Artillery, was read again ; and

Ordered, That the same be taken under Consideration, on Wednesday next, at ten o'Clock in the Forenoon.

Report on
Petition of
Elijah Wil-
liams Esq;

The Committee appointed on the Petition of *Elijah Williams*, Esq; as entred the 8th of *Decem.* last, Reported according to Order.

Read, and not accepted ; and after a Debate thereon,

Ordered, That the Report be Re-committed, and that the Committee hear the Parties further on the Affair, and Report.

Report on
Hoosuck Af-
fair.

It being moved and seconded, That the House would proceed to determine on the remaining Articles of Complaint from *Hoosuck*, which have been had in Hearing before them, that so the Parties may have Leave to return back : Thereupon,

The Committee's Report of the Allowance of Provisions, &c. made by the last Establishment for the Soldiers posted on the Frontiers, was read again :—And after a Debate, the further Consideration of the Affair was referred.

Memorial of
Enoch Free-
man, Esq;

A Memorial of *Enoch Freeman* of *Falmouth*, in the County of *York*, Esq; praying, that a Petition he presented to the last Assembly, for an Allowance for Services by him performed in the Years 1748, and 1756, may be taken under Consideration, and that done thereon which shall be judged meet.

Read, together with the Petition therein referred to, as entred the 20th of *April* last ; and *Ordered*, That the said Petition be revived, and that Mr. *Chadburn*, Capt. *Brown*, and Capt. *Dalton*, be a Committee to take the same under Consideration, and Report thereon.

Ordered, That Mr. *Aken* be of the Committee appointed on the Petition of *Joshua Bordman* in the Room of Capt. *Sprague*, who is absent.

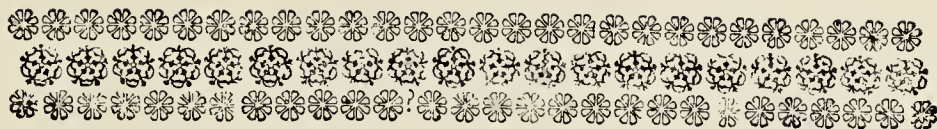
Petition of
Jam. Carlton.

A Petition of *James Carlton* of *Andover*, in the County of *Essex*, shewing, that he was employed as a Soldier in Capt. *Herrick's* Company of Rangers on the Eastern Frontiers, and returned home on Furlough in *July* last, and soon after was taken sick of a Fever, and put to great Charge for Doctors and Nurses, during his said Sicknefs ; and praying an Allowance out of the public Treasury, for discharging the several Accounts exhibited.

Read and *Ordered*, That the Petition lie on the Table, till Col. *Osgood* return to the House.

Then the House adjourn'd till Monday next Ten o'Clock in the Forenoon.





V O T E S

Of the House of Representatives.



Lunæ 9. Die Januarii, A. D. 1758.

HE several Papers that his Excellency directed the Secretary to lay before the House, as entred the 6th Instant, were read. Sundry public Papers read.

The Committee appointed on the Petition of *Jonathan Barnard*, Reported according to Order.

Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to *Samuel Livermore*, Esq; for the Petitioner's Use, the Sum of *forty Shillings*, in full Consideration for the Loss of the Gun mentioned, which his said Son carried into the Service on the first *Crown-Point* Expedition.

Sent up for Concurrence.

The Committee appointed on the Petition of *Daniel Davis*, and others, Select-Men of the Town of *Barnstable*, Reported thereon. Report on Memorial of *Daniel Davis*, &c.

Read, and not accepted; and *Ordered*, That the Petition be dismiss'd.

A Petition of *Isaac Vincent*, Junr. of *Yarmouth*, in the County of *Barnstable*, shewing, that he engaged in the Service on the Expedition against *Crown-Point* in the Year 1755, and was taken sick before the Army was dismissed, and with great Difficulty got home, where he lay a long Time sick of the Camp-Fever, at very great Expence, and for some Months after was unable to do any thing for his Support; and praying, that he may be allowed the Amount of his Doctor's Bill during his said Sicknefs, and such further Relief under the great Charge and Trouble occasioned thereby, as may be judged reasonable. Petition of *Isaac Vincent*.

Read and *Ordered*, That this Petition be committed to Capt. *Hubbell*, Mr. *Morey*, and Capt. *Brown*, to consider, and Report thereon.

The Memorial of *John Minot*, Esq; and others, as entred the 2d Instant, was read again:—And after a Debate thereon, *Ordered*, That the Memorial lie on the Table. Order on Memorial of *John Minot*, Esq; &c.

Post Meridiem.

Letter bro't
down.

Mr. Secretary *Oliver* brought down a Letter he had received from the Hon. WILLIAM GREEN, Esq; Governor of *Rhode-Island*, dated *Newport*, January 5th 1758. Which was read.

Committee
to Farm out
Excise on
Tea, &c. for
the County
of *Suffolk*.

The House proceeded to the Choice of Committees in the several Counties to Farm out the Duties of Excise on Tea, &c. for the present Year. And

Ordered, That *Thomas Flucker*, and *Joseph Williams*, Esqrs; with such as the honourable Board shall join, be a Committee to Farm out the Excise on Tea, Coffee and China-Ware, in the County of *Suffolk*, the Current Year. Sent up for Concurrence.

Essex.

Ordered, That *John Choate*, and *Joseph Gerrish*, Esqrs; with such as the honourable Board shall join, be a Committee to Farm out the Excise on Tea, Coffee and China-Ware, in the County of *Essex*, the Current Year. Sent up for Concurrence.

Middlesex,

Ordered, That *Samuel Livermore*, and *James Russell*, Esqrs; with such as the honourable Board shall join, be a Committee to Farm out the Excise on Tea, Coffee and China-Ware, in the County of *Middlesex*, the Current Year. Sent up for Concurrence.

Hampshire.

Ordered, That *John Worthington*, and *Elijah Williams*, Esqrs; with such as the honourable Board shall join, be a Committee to Farm out the Excise on Tea, Coffee and China-Ware, in the County of *Hampshire*, the Current Year.

Sent up for Concurrence.

Worcester.

Ordered, That *Timothy Ruggles*, and *Timothy Paine*, Esqrs; with such as the honourable Board shall join, be a Committee to Farm out the Excise on Tea, Coffee and China-Ware, in the County of *Worcester*, the Current Year. Sent up for Concurrence.

Plymouth.

Ordered, That *Thomas Foster*, Esq; and Mr. *John Brewster*, with such as the honourable Board shall join, be a Committee to Farm out the Excise on Tea, Coffee and China-Ware, in the County of *Plymouth*, the Current Year. Sent up for Concurrence.

Barnstable.

Ordered, That Mr. *Edward Bacon*, and *Nathaniel Stone*, Esq; with such as the honourable Board shall join, be a Committee to Farm out the Excise on Tea, Coffee and China-Ware, in the County of *Barnstable*, the Current Year. Sent up for Concurrence.

Bristol.

Ordered, That *Samuel White*, Esq; and Mr. *Thomas Morey*, with such as the honourable Board shall join, be a Committee to Farm out the Excise on Tea, Coffee and China-Ware, in the County of *Bristol*, the Current Year. Sent up for Concurrence.

York.

Ordered, That *John Bradbury*, Esq; and Mr. *Benjamin Chadburn*, with such as the honourable Board shall join, be a Committee to Farm out the Excise on Tea, Coffee and China-Ware, in the County of *York*, the Current Year. Sent up for Concurrence.

Dukes-County.

Ordered, That *John Norton*, and *John Sumner*, Esqrs; with such as the honourable Board shall join, be a Committee to Farm out the Excise on Tea, Coffee and China-Ware, in the County of *Dukes-County*, the Current Year. Sent up for Concurrence.

Ordered,

Ordered, That *Abishai Folger*, Esq; and Capt. *Joseph Roach*, with *Nantucket*. such as the honourable Board shall join, be a Committee to Farm out the Excise on Tea, Coffee and China-Ware, in the County of *Nantucket*, the Current Year. Sent up for Concurrence.

A Bill Intituled *An Act in further Addition to an Act Intituled An Act for Explanation of, and Supplement to an Act referring to the Poor*, &c. as entred the 30th of *August* last, and referred, was read again ; and Order on a Bill.

Ordered, That the Bill have a second Reading at Eleven o'Clock to Morrow in the Forenoon.

On a Motion made by the Committee appointed to consider of some proper Measures, for easing the Province of the Charge of supporting the French Inhabitants of *Nova-Scotia*, now here. Order relating to French Inhabitants.

Ordered, That the Secretary be directed to lay before the House the Returns made into his Office, from the Select-Men of the several Towns and Districts within the Province, of the Age and Circumstances of the said French People.

Ordered, That the Consideration of the Report of the Committee of both Houses, appointed to Repair to *Hoosuck*, and Papers relative thereto, be had, to Morrow Morning at ten o'Clock. Hoosuck Affair Refer'd.

A Bill Intituled, *An Act in Addition to the several Acts of this Province, relating to Houses of Correction*, was offered to the Consideration of the House, and read a first Time ; and Order on a Bill.

Ordered, That the Bill have a second Reading to Morrow at three o'Clock Afternoon.

Then the House adjourn'd till to Morrow Morning Ten o'Clock

Martis 10. Die Januarii, A. D. 1758.

A Petition of *Simon Gookin*, and others, of *Falmouth*, in the County of *York*, setting forth, that they were employed as Soldiers in transporting Stores up *Kennebeck-River*, in the Year 1755; that when their Pay-Roll was made up, the Treasurer paid the Amount of it to Capt. *Ingersol*, who, upon their applying to him for Payment, told them he had deposited the same in the Hands of *Enoch Freeman*, Esq; but that he refused to pay them, unless, after allowing him large Commissions, they would take one half their Wages in Goods, which they not complying with, have to this Time received no Part of their Pay ; and praying, that the Affair may be taken into Consideration, Enquiry made into his Conduct, and such Relief afforded them as shall be judged reasonable. Petition of Simon Gookin.

Read and Ordered, That Capt. *Waldo*, Mr. *Witt*, and Col. *Nichols*, be a Committee to make Enquiry into the Matters complained of ; and Report what they judge proper for this Court to do thereon.

The

*Hoosuck Af-
fair further
Consider'd
and Refer'd.*

The House, according to the Order of the Day, proceeded to take the *Hoosuck* Affairs under Consideration : Thereupon the Report of the Committee of both Houses appointed to Repair to *Hoosuck*, as entred the 25th of *August* last, was read again ; and

Voted, That this Report be accepted, so far as it relates to the Situation and Circumstances of *Fort-Massachusetts*, and the Block-House at *West-Hoosuck*. Sent up for Concurrence.

And the further Consideration of the said Affairs, respecting the Complaints exhibited, was referred.

Letter bro't
down.

Mr. Secretary *Oliver* brought down a Letter which he had received from the Hon. THOMAS FITCH, Esq; Governour of *Connecticut*.

The said Letter dated *Norwalk*, *January* 5th 1758. Was read.

Post Meridiem.

Order on a
Bill,

An Engross'd Bill Intituled *An Act for incorporating a Neck of Land called Merriconeague-Neck, and certain Islands adjacent in the County of York, into a seperate District by the Name of*——

Read and Ordered, That the Consideration of the Bill be referred to the next Sitting of the Court, for Enquiry relative to the Inhabitants of the proposed District, being joined to *Brunswick* or *North-Yarmouth*, in the Choice of a Representative.

Message
from the
Board.

Thomas Hutchinson, Esq; came down with a Message from the honourable Board, to propose an Amendment on the Vote passed by the two Houses on the Petition of *Solomon Demons*, and others, of *Pontoosuck* : Which being taken into Consideration, was not agreed to :— And

Message to
the Board.

Ordered, That Mr. *Foster* go up with a Message to the honourable Board, and acquaint them the House do not agree to the Amendments proposed by them.

Who returned, that he had delivered the Message.

Petition of
French In-
habitants
bro't down.

James Bowdoin, Esq; brought down the following Petitions from several of the French Inhabitants of *Nova-Scotia*, lately sent hither from that Government, *viz.*

*John Labra-
dor.*

A Petition of *John Labrador*, complaining of very hard Treatment he and his Family meet with in the Town of *Willmington*, where they were placed by Order of the General Court ; and praying Relief under their difficult Circumstances.

Pass'd in Council, *viz.* In Council *January* 10th 1758.

Read and Ordered, That *James Minot*, Esq; with such as the honourable House shall join, be a Committee to consider of this Petition, and Report what they judge proper to be done in the Affair. Sent down for Concurrence.

Read and concur'd ; and Col. *Choate*, and Col. *Buckminster*, are joined in the Affair.

*Lawrence
Muisse.*

A Petition of *Lawrence Muise*, in Behalf of himself and Brother, with their Families, for some Time past, placed in the Town of *Methuen*, complaining of the like hard Treatment ; and praying Relief. Pass'd in Council, *viz.* In Council *Jan.* 10th 1758.

Read

Read and *Ordered*, That *James Minot*, Esq; with such as the honourable House shall join, be a Committee to consider of this Petition, and Report what they judge proper to be done in the Affair.

Sent down for Concurrence.

Read and concur'd ; and Col. *Choate*, and Col. *Buckminster*, are joined in the Affair.

And

A Petition of *Francis Muise*, complaining of the like Difficulties and hard Treatment he with his Family meet with in the Town of *Tewksbury*, where they are now placed ; and praying Relief. Pass'd in Council, viz. In Council Jan. 10th 1758.

Read and *Ordered*, That *James Minot*, Esq; with such as the honourable House shall join, be a Committee to consider of this Petition, and Report what they judge proper to be done in the Affair.

Sent down for Concurrence.

Read and concur'd ; and Col. *Choate*, and Col. *Buckminster*, are joined in the Affair.

[joined]

A Petition of *James Leblane*, one of the said French People, now residing in the Town of *Braintree*, praying that he with his Family may be removed to some other Town where they may be employed in Labour at a reasonable Rate for their more comfortable Support, the Select-Men having lately refused to afford them any further Assistance.

Read and *Ordered*, That this Petition be committed to the Committee appointed on the Petition of *John Labrador*, and other Petitions of the like Import, to consider and Report what they judge proper to be done in the Affair.

Sent up for Concurrence.

The House Re-assumed the Consideration of the *Hoosuck* Affairs : And after some Debate on the Complaint exhibited against *Elijah Williams*, Esq; the Question was put,

Debate and
Question on
Hoosuck Af-
fairs.

Whether it appears to the House, that Major Williams has been any Ways to Blame as to the Quantity of Provisions delivered by him to the Soldiers at West-Hoosuck ?

And it pass'd in the Negative.

The Question was then put,

Whether it be the Mind of the House, that the Soldiers posted at West-Hoosuck, when absent on Furlough, were intitled to their Subsistence ?

Pass'd in the Negative.

Whether it be the Mind of the House, that when a Soldier has hired another Person to do Duty in his Absence on Furlough, such Soldier be entitled to his Subsistence ?

Resolved in the Affirmative.

And, *Whether it appears to the House, that Capt. Wyman was to Blame in that Article of Charge relating to his with-holding Subsistence, as mentioned in the Complaint ?*

Pass'd in the Negative.

The Resolves of the House aforegoing on the Affairs of *Hoosuck*, together with those passed thereon the 21st of *December* last, being brought into the Form of a Vote, were sent up for Concurrence.

Bill Enacted. An Engross'd Bill Intitled *An Act for raising the Sum of One Thousand two Hundred Pounds by Lottery, for building and maintaining a Bridge over Saco and Pesumpscot Rivers, in the County of York.*

Read and *Resolved*, That the Bill pass to be Enacted.

Order on
Petition of
John Bea-
cham, &c.

John Hill, Esq; brought down the Petition of *John Beacham*, and others, of the South Precinct in *Malden*, with the Report of the Committee of both Houses thereon.

Signed *George Leonard*, per Order.

Pass'd in Council, *viz.* In Council *January 10th 1758.*

Read, and accepted, and *Ordered*, That the Petition of *John Beacham*, and others, be dismiss'd accordingly.

Sent down for Concurrence. Read and concur'd.

Order on
Public Pa-
pers &c.

The several Papers laid before the House by Direction from his Excellency the Governour, as entred the 6th Instant, were read again ; and

Ordered, That the Consideration of the same be had to Morrow Morning, at ten o'Clock ; as also of the State of the Eastern and Western Frontiers.

Report on
Memorial of
Charles Ap-
thorp, &c.

The Committee appointed on the Memorial of *Charles Apthorp*, Esq; and others, Proprietors of the *New-Plymouth* Purchase on the River *Kennebeck*, Reported thereon.

Read and *Ordered*, That the Report lie on the Table, till the House take under Consideration the State of the Frontiers.

Report on
Governor's
Message.

The said Committee also Reported on his Excellency's Message of the 22d of *December* last.

Read, and the Consideration thereof was likewise referred, till the State of the Frontiers be considered.

Order on
Petition of
Wm. Law-
rence, Esq;

Ordered, That the Petition of *William Lawrence*, Esq; as entred the 8th of *April* last, and afterwards referred, be committed to the Committee appointed thereon the 6th of *June* last ;—and that Col. *Osgood*, and Mr. *Foster*, be of the Committee in the Room of Mr. *Folger*, and Capt. *Sprague*, who are absent.

Report on
Petition of
Elijah Wil-
ms, Esq;

The Committee to whom was Re-committed their Report on the Petition of *Elijah Williams*, Esq; Reported according to Order.

Read and *Ordered*, That the Consideration of the Report be referred till Major *Williams* return to the House.

[Petition] on of
Walter Mc
Farland.

A Petition of *Walter McFarland* of Fort *St. George's*, in the County of *York*, setting forth, that he was taken Captive by the Indian Enemy the last War, and suffered great Hardships among them for several Years ; that after his Return he was employed in the Government's Service, and *ten Pounds* was taken out of his Wages to pay for his Redemption out of the Hands of the Indians ; that he was ordered five Months Schooling in *Boston*, by the Government, which he did not receive the Advantage of, but has been obliged to be at the Charge elsewhere, of all the Instruction he has received ; and praying, that he may be allowed the said *ten Pounds* for his Redemption, and the Money he has paid for his Schooling.

Read

Read and *Ordered*, That Mr. *Chadburn*, Col. *Murray*, and Mr. *Flucker*, be a Committee to take the Petition under Consideration, and Report what they judge proper for this Court to do thereon.

Then the House adjourn'd till to Morrow Morning Ten o'Clock.

Mercurii 11. Die Januarii, A. D. 1758.

THE Committee appointed on the Petition of *Dorcas Viscount* Reported verbally, That they had attended the Service, heard the Petitioner and viewed the House mentioned, and were of Opinion there was no Reason for granting the Prayer of the Petition. Report on Petition of *Dorcas Viscount*.

And thereupon *Ordered*, That the Petition be dismiss'd.

On a Motion made and seconded, *Ordered*, That Mr. *Foster*, go up with a Message to the honourable Board, to desire they would give Dispatch to the public Affairs lying before them, that the Court may have a Recess this Week, if his Excellency pleases. Message to the Board.

Who returned, that he had deliver'd the Message.

Ordered, That Col. *Hale*, Col. *Choate*, and Col. *Buckminster*, be a Committee to prepare and bring in a Bill, obliging Masters of Vessels on their Arrival at any of the Neighbouring Ports, with Persons on Board sick of any infectious Disease, forthwith to proceed to the Hospital on *Rainsford's Island*. Committee for a Bill.

Mr. Secretary *Oliver*, brought down the Returns his Excellency had received from General *Winslow*, of the Militia that Marched on the late Alarm for the Relief of Fort *William-Henry*, which he acquainted the House, his Excellency had directed him to lay before them. Returns bro't down.

John Chandler, Esq; came down with a Message from the honourable Board, to desire that the Committee on the Part of the House appointed the first of *December* last, to enquire into the Condition and Services of the Forces raised by this Government under the Command of his Excellency the Earl of *Loudoun*, may be directed to sit forthwith, the Board apprehending it to be a Matter of much Importance to the Province. Thereupon, Message from the Board.

Ordered, That Col. *Worthington* go up with a Message to the honourable Board, and acquaint them, that the Committee on the Part of the House have always stood ready to attend the said Service, except when Matters of Moment were under Consideration by the House; and to desire they would give Directions to the said Committee on the Part of the Board, to sit this Evening, that so the Committee may Report as soon as may be. Message to the Board.

Who returned, that he had delivered the Message.

The House, according to the Order of the Day, proceeded to take under Consideration the Papers that his Excellency had directed to be laid before them, as entered the 6th Instant: Thereupon the said Papers were read again;— and after a large Debate had thereon, Order on Papers laid before the House.

Ordered,

Order on
public Pa-
pers.

Ordered, That Col. *Choate*, Judge *Russell*, Mr. *Tyng*, Mr. *Lyman*, General *Winslow*, Col. *Williams*, Mr. *Witt*, Mr. *Sparhawk*, and Col. *Gerrish*, be a Committee to take the said Papers under Consideration, and Report what they judge proper for this Court to do thereon.

Post Meridiem.

Allowance
to the Com-
mittee of
War.

The Committee appointed on the Memorial of *John Osborne*, Esq; and others, the Committee of War for the last *Crown-Point* Expedition, Reported according to Order.

Read, and accepted, and *Voted*, That the Committee of War be allowed to charge in their Accounts, the Sum of *Four Hundred and fifty Pounds*, in Consideration of their faithful Discharge of that important Trust for the Year 1756, said Sum to be divided among them, according to the Time of their Attendance.

Sent up for Concurrence.

Bill bro't
down and
committed.

William Brattle, Esq; brought down the Bill Intituled *An Act in Addition to the several Acts of this Province for regulating the Militia.*

Pass'd in Council, viz. In Council *January 6th 1758.*

Read a first Time, *Jan. 11.* Read a second Time, and pass'd a Concurrence to be Engross'd, as taken into a new Draught.

Sent down for Concurrence.

Read and *Ordered*, That the Bill be committed to Col. *Quincy*, Col. *Buckminster*, and Col. *Ruggles*, for the Amendments proposed.

Petition of
George New-
man &c.

A Petition of *George Newman*, Junr. and *Lucy* his Wife, Administratrix of the Estate of *Samuel Baker*, late of *Ipswich*, in the County of *Essex*, deceased, shewing, that she has paid the said Deceased's Debts, which amounted to considerably more than the Personal Estate left by him, together with the Proceeds of the Lands she was enabled by the Superiour Court to sell; and praying, that they may be impowered to sell off so much more of his Real Estate, as will pay her the Balance due on her Account of Administration.

Read and *Ordered*, That Major *Reed*, Capt. *Stevens*, and Dr. *Upham*, be a Committee to consider this Petition, and Report thereon.

Memorial of
Charles Ap-
thorp, Esq; &
others com-
mitted.

Ordered, That the Report of the Committee on the Memorial of *Charles Apthorp*, Esq; and others, be committed to the Committee appointed on the Papers that his Excellency directed to be laid before the House the 6th Instant, and to consider the State of the Frontiers.

Order on
Petitions of
John Farrar
&c.

Ordered, That the Committees on the Petitions of *John Farrar*, and *John Bolton*, and on the Petition of *William Lawrence*, Esq; be united; and that the said Petitions be taken under Consideration by them, and that they Report thereon respectively.

Capt. *Wil-*
liams on a
Committee.

Ordered, That Capt. *Williams*, be of the Committee appointed on the Petition of *John Labrador*, and other Petitions of the like Import; in the Room of Col. *Choate*, who is excused from that Service.

Sent up for Concurrence.

On

On a Motion made and seconded, *Voted*, That the House proceed to take under Consideration Allowances to the Civil Officers of the Government, to Morrow at three o'Clock Afternoon. Vote for Allowances.
 Then the House adjourn'd till to Morrow Morning Ten o'Clock

Jovis 12. Die Januarii, A. D. 1758.

A Petition of *James Cargill* of *New-Castle*, in the County of *York*, setting forth, that when he engaged in the Year 1755, to raise a Company to go in quest of the Indian Enemy, he was obliged to remove his Family from the Place they were then settled at, was at considerable Expence in raising the Men and fitting for the said Service, and afterwards put to a much greater by his Imprisonment and Trial, for his supposed murdering some of the *Penobscot* Tribe; that on Application to the Governour and Council, he is denied any Bounty for the Scalps he brought in, the said Year; and praying such Relief under the Difficulties brought upon him in Consequence of his engaging in said Service, and his Expences therein, as shall be judged reasonable. Petition of James Cargill.

Read and *Ordered*, That this Petition be committed to Col. *Nichols*, Col. *Hale*, and Col. *Cheney*, to consider, and Report what they judge proper for this Court to do thereon.

A Bill Intituled *An Act in Addition to the several Acts of this Province relating to Houses of Correction*. Order on a Bill.

Read a second Time, and *Ordered*, That the Bill have a third Reading at ten o'Clock to Morrow Morning.

The Committee appointed to prepare and bring in a Bill, obliging all Masters of Vessels arriving at the Neighbouring Ports in this Province, with Persons sick of any infectious Distemper on Board, to proceed to the Hospital on *Rainsford's-Island*, Reported a Bill Intituled *An Act in Addition to An Act Intituled An Act for regulating the Hospital on Rainsford's-Island, and further providing in Case of Sickness*: Which the Chair-man read at his Place, and then deliver'd in at the Table. Bill Reported and read.

Read a first Time; and *Ordered*, That the Bill have a second Reading at Eleven o'Clock this Forenoon.

An Engross'd Bill Intituled *An Act further to exempt Persons commonly called Quakers and Anabaptists, from paying Ministerial Taxes*. Bill Enacted.

Read and *Resolved*, That the Bill pass to be Enacted.

The Committee appointed on the Petition of *Christopher Stratt*, and others, Select-Men of the Town of *Falmouth*, Reported thereon according to Order. Report on Petition of Christopher Stratt, &c.

Read and accepted; and *Whereas it appears to this Court, that the Maintenance of the Children mentioned is properly a County Charge*:

Ordered, That the Justices of the General Sessions of the Peace for the County of *York*, be, and hereby are, directed and enjoined to provide for it accordingly, till the said Children can be bound out, or taken Care of by their Parents.

Sent up for Concurrence.

B b b b

The

Further Report.

The said Committee further Reported verbally, that they had considered of the Expediency of empowering the Justices of the Superiour Court, to give Judgment on the Verdict of the Jury at the Trial of *John Clark*, and were of Opinion, that it would be highly improper to empower the said Court for that Purpose, unless petitioned for by the said *Clark*, as it might possibly be the Means of his loosing his Life.

Which Report was accepted by the House.

Order on Petition of *Sam. Clark*, &c.

The Committee appointed on the Petition of *Samuel Clarke*, and others, Reported verbally : And thereupon,

Ordered, That the said Committee be directed to prepare and bring in a Bill for the Purposes in said Petition mentioned.

Order on Petition of *Duncan Campbell*, Esq;

The Committee appointed on the Petition of *Duncan Campbell*, Esq; Reported according to Order.

Read, and not accepted ; and *Ordered*, That the Petition be Re-committed.

Resolve for a Grant to *Peter Schuyler*, Esq;

The Committee appointed on his Excellency's Message of the 3d Instant, and Papers accompanying the same, Reported according to Order.

Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to *Peter Schuyler*, Esq; or his Order, the Sum of *One Hundred Pounds*, to Reimburse him the Sums he paid at *Quebeck*, for the Relief of the distressed Soldiers there, who belonged to this Province, and in Consideration of his Trouble relating thereto : And that his Excellency the Governour be desired to inform that Gentleman of the grateful Sense the two Houses have of this Instance of his Goodness and Humanity.

Sent up for Concurrence.

Petitions of *Charles Clermont*, &c. bro't down.

Richard Cutt, Esq; brought down a Petition of *Paul Clermont*, and *Charles Muise*, late Inhabitants of *Nova-Scotia*, praying the Relief of this Court under the Difficulties they are put to for Want of proper Cloathing for themselves and Families, during the Winter Season, it not being provided for them by the Person to whom they hired themselves out for a Year, which is now almost compleated.

Pass'd in Council, viz. In Council *January 12th 1758*.

Read and *Ordered*, That *James Minot*, Esq; with such as the honourable House shall join, be a Committee to consider of this Petition, and Report what they judge proper to be done in the Affair.

Sent down for Concurrence.

Read and concur'd, and Col. *Buckminster*, and Capt. *Williams*, are joined in the Affair.

The Committee appointed on the Petition of *Walter McFarland*, Reported thereon.

Report on Petition of *Walter McFarland*.

Read, and accepted, and *Resolved*, That the Prayer of this Petition be so far granted, as that there be allowed and paid out of the public Treasury to the Petitioner, *twenty six Shillings and eight Pence*, being a Sum equal to what was paid out of his Wages for his Redemption from the Indians, with the further Sum of

three

three Pounds thirteen Shillings and four Pence, in full Consideration for the Schooling he was to have received by Order of this Government.

Sent up for Concurrence.

A Petition of *Joanna Hoyt* of *Shrewsbury*, in the County of *Worcester*, setting forth, that her late Husband *Benjamin Hoyt*, deceased, who was a Soldier in the last *Crown-Point* Expedition, and died whilst in the Service on the 18th of *September 1756*, was, by Mistake, born on the Muster-Roll no longer than till the 1st of that Month, whereby she is deprived of Part of the Wages due for his Services ; and praying, that she may be allowed to receive the Balance due thereon, for her Relief under her present difficult Circumstances.

Petition of
Joanna Hoyt.

Read and *Ordered*, That this Petition be committed to Mr. *Bacon*, Major *Ward*, and Capt. *Epes*, to consider, and Report thereon.

William Brattle, Esq; came down with a Message from the honourable Board, acquainting the House, that they desire to speak with Capt. *Livermore*, Member for the Town of *Waltham*.

Message
from the
Board.

Thereupon, *Voted*, That the said Gentleman have Leave to attend the honourable Board. Who went up accordingly.

On a Motion made and seconded, *Ordered*, That Capt. *Brown*, Capt. *Williams*, and Mr. *Flucker*, be a Committee to examine the Returns that his Excellency received from General *Winslow*, of the Militia that marched on the late Alarm for the Relief of Fort *William-Henry*, and Report thereon.

Committee
on Returns.

A Bill Intitl'd *An Act in Addition to the several Acts of this Province, relating to Houses of Correction*.

Order on
a Bill.

Read a second Time, and *Ordered*, That the Bill have a third Reading at ten o'Clock to Morrow Morning.

William Brattle, Esq; came down with a Message from the honourable Board, to propose an Amendment on the Engros'd Bill Intitl'd, *An Act to exempt Persons commonly called Quakers and Anabaptists, from paying Ministerial Taxes* : Which being considered by the House, was agreed to. And

Message
from the
Board.

Ordered, That Col. *Quincy* go up with a Message, to acquaint the honourable Board, that the House agree to the Amendment propos'd by them, and to propose a further Amendment thereon.

Message to
the Board.

Who returned, that he had delivered the Message.

A Bill Intitl'd *An Act in Addition to An Act Intitl'd An Act for regulating the Hospital on Rainsford's-Island, and further providing in Case of Sickness*.

Order on
a Bill.

Read a second Time ; and *Ordered*, That the Bill have a third Reading at four o'Clock this Afternoon.

The House took under Consideration his Excellency's Message of the 30th *December* last : Which was read again ; and after a Debate thereon,

Order on
Governor's
Message.

Ordered, That the Secretary be directed to attend the House ; Who attended accordingly ; When Mr. Speaker was pleas'd to inform him, that his Excellency in his Message to the House of

the

the 30th of *Decem.* last, acquaints them, that the Accounts of the several Articles provided for the Train of Artillery on the late Alarm, have been pass'd upon by the Board ; That the House would be very glad to see those Accounts, and desire he would lay the same before them :

Mr. Secretary laid the said Accounts on the Table accordingly. Thereupon,

Committee
on Gov.
Message.

Ordered, That Mr. *Flucker*, Col. *Jones*, *Caleb Cushing*, Esq; Capt. *Brown*, and Mr. *Morey*, be a Committee to take his Excellency's Message of the 30th *December* last, with the Papers accompanying the same, and the Accounts therein referred to, under Consideration, and Report what they judge proper to be done thereon.

Petitions of
James Howard, &c.

The Petitions of *James Howard*, in Behalf of himself and sundry others, and of *John Minot*, Esq; and others, as entered the 2d Instant, were read again ; and

Ordered, That the said Petitions be dismiss'd, the Petitioners having already received their Pay petitioned for.

Bill read &
refer'd.

A Bill Intitl'd *An Act in further Addition to an Act Intitl'd An Act for Explanation of and Supplement to an Act referring to the Poor*, &c.

Read a second Time ; and *Ordered*, That the further Consideration of the Bill be referred.

Post Meridiem.

Petition of
Josiah Mixer,
&c. bro't
down.

Gamaliel Bradford, Esq; brought down a Petition of *Josiah Mixer*, and *Sarah* his Wife, Administratrix of the Estate of *Hopestill Mead*, late of *Waltham*, deceased, praying that she may be impowered to sell her Thirds of the Real Estate of the said Deceased, in order to her discharging the Debts due from him, there not being otherwise sufficient Estate for that End ; the Overplus, if any, to be secured after her Decease for the right Heirs.

Pass'd in Council, viz. In Council *January* 11th 1758.

Order
thereon.

Read and *Ordered*, That the Prayer of the Petition be granted ; and that the Petitioner (in her said Capacity) be, and she hereby is, authorized and impowered to make Sale of the Thirds within mentioned, and to give a good and sufficient Deed or Deeds for the same, she observing the Directions of the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient Caution to the Judge of Probate, &c. for the County of *Middlesex*, to apply the Proceeds for the Payment of the Deceased's Debts, and to account for the Overplus (if any there be) agreeable to Law. Sent down for Concurrence.

Read and concur'd.

Order on
Petition of
John Osgood.

The Petition of *James Osgood*, as entred the 7th Instant, was read again ; and

Ordered, That Major *Williams*, Col. *Marcy*, and Col. *Osgood*, be a Committee to take this Petition under Consideration, make Enquiry into the Facts, and Report thereon.

The

The Committee appointed on the Petition of *Nathan Tutbill*, and others, of *Montague*, as entred the 9th of *December* last, Reported according to Order.

Order on
Petition of
*Nathan Tut-
bill.*

Read, and not accepted, and *Ordered*, That the Report be Re-committed.

John Chandler, Esq; came down with a Message from the honourable Board, acquainting the House, that the Board have nothing lying before them, and to enquire whether the House have any thing of a public Nature to send up, if they have, that they would do it, that so the Board may give Dispatch to the Business of the Court.

Message
from the
Board.

The Committee appointed to make the proposed Amendments on the Militia Bill, Reported thereon.

Report on
Militia-Bill.

Read, and accepted ; —and after a Debate,

Ordered, That the Bill be Re-committed for the further Amendments proposed.

A Bill Intituled *An Act in Addition to an Act Intituled, An Act for regulating the Hospital on Rainsford's-Island, and further providing in Case of Sicknefs.*

Bill En-
grofs'd.

Read a third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

The House, according to the Order of the Day, proceeded to take under Consideration Allowances to the Civil Officers of the Government.

Allowances
to Civil Offi-
cers.

And

Resolved, That the Sum of *Seven Hundred and fifty Pounds*, be granted and paid out of the public Treasury, to the Honourable Justices of the Superiour Court of Judicature, Court of Assize and General Goal Delivery, for their Services for one Year, ending the first Instant.

Superiour
Judges.

Sent up for Concurrence.

Resolved, That the Sum of *Forty Pounds*, be granted and paid out of the public Treasury, to the honourable *Stephen Sewall*, Esq; in Consideration of his faithful Discharge of the important Trust reposed in him as Chief Justice, and for his further Encouragement therein.

Chief Justice

Sent up for Concurrence.

Resolved, That the Sum of *Two Hundred and fifty Pounds*, be granted and allowed to be paid out of the public Treasury, to the Reverend Mr. *Edward Holyoke*, President of *Harvard-College*, over and above the Rents of *Massachusetts-Hall*, for one Year, ending the tenth Day of *September* next, to be paid Quarterly.

President of
*Harvard-
College.*

Sent up for Concurrence.

Resolved, That there be granted and allowed to be paid out of the public Treasury, to the Reverend Dr. *Edward Wigglesworth*, Hollisian-Professor of Divinity at *Harvard-College* in *Cambridge*, the Sum of *One Hundred Pounds*, as a Gratuity, in Consideration of his faithful Discharge of the great and important Trust reposed in him, and for his further Encouragement therein.

Hollisian-
Professor of
Divinity.

[*Harvard*]

Sent up for Concurrence.

C c c c

Resolved,

Hollisian-
Professor of
Mathema-
ticks.

Resolved, That there be granted and allowed to be paid out of the public Treasury to *John Winthrop*, Esq; Hollisian-Professor of the Mathematicks and Natural Philosophy at *Harvard-College* in *Cambridge*, the Sum of *Ninety Pounds*, as a Gratuity, in Consideration of his faithful Discharge of that Trust reposed in him, and for his further Encouragement therein.

Sent up for Concurrence.

Hebrew In-
structor.

Resolved, That there be granted and allowed to be paid out of the public Treasury, to Mr. *Judah Monis*, Hebrew-Instructor at *Harvard-College* in *Cambridge*, the Sum of *Twenty Pounds*, as a Gratuity, in Consideration of his faithful Discharge of that Trust reposed in him, and for his further Encouragement therein.

Sent up for Concurrence.

Secretary.

Resolved, That the Sum of *Fifty Pounds*, be granted and allowed to be paid out of the public Treasury, to the honourable *Andrew Oliver*, Esq; Secretary of this Province, for his Services for one Year, ending the 6th Day of *December* last.

Sent up for Concurrence.

Ditto.

Resolved, That the Sum of *Ninety Pounds*, be granted and allowed to be paid out of the public Treasury, to the honourable *Andrew Oliver*, Esq; Secretary of this Province, in Consideration of his extraordinary Services to the 6th Day of *December* last.

Sent up for Concurrence.

Treasurer.

Resolved, That the Sum of *Two Hundred and sixty seven Pounds*, be granted and allowed to be paid out of the public Treasury, to *Harrison Gray*, Esq; Treasurer and Receiver-General of his Majesty's Revenues of this Province, for a Year's Service, ending the twenty-third of *December* last.

Sent up for Concurrence.

Commissary.

Resolved, That there be granted and allowed to be paid out of the public Treasury, the Sum of *One Hundred and fifty Pounds*, to the honourable *John Wheelwright*, Esq; Commissary-General, for his Service in that Office, for one Year.

Sent up for Concurrence.

Speaker.

Resolved, That there be granted and allowed to be paid out of the public Treasury, the Sum of *four Shillings* per Diem, to the honourable *Thomas Hubbard*, Esq; Speaker of the House, for every Day of his Attendance in the General Court, from the Opening of the Session, on the 25th Day of *May* 1757, over and above his Pay as a Member of this House.

Sent up for Concurrence.

Clerk.

Resolved, That there be granted and allowed to be paid out of the public Treasury, the Sum of *Seventy five Pounds*, to *Henry Gibbs*, Esq; Clerk of the House of Representatives, for his Service during the several Sessions of the General Court the Current Year.

Sent up for Concurrence.

Chaplain to
the Board.

Resolved, That there be allowed and paid out of the public Treasury, the Sum of *Six Pounds*, to the Reverend Mr. *Jeremy Condy*, Chaplain to the honourable Board, the Current Year.

Sent up for Concurrence.

Resolved,

Resolved, That there be allowed and paid out of the public Treasury, the Sum of *Six Pounds*, to the Reverend Mr. *Ebenezer Pemberton*, Chaplain to the House of Representatives, the Current Year. Chaplain to the House.
Sent up for Concurrence.

Resolved, That there be granted and allowed to be paid out of the public Treasury, to Mr. *John Phillips*, Chaplain of his Majesty's Castle *William*, the Sum of *Forty Pounds*, as a Gratuity for his Service in that Trust, for one Year. Chaplain to Castle William.
Sent up for Concurrence.

Resolved, That there be allowed and paid out of the public Treasury, the Sum of *Fifty Pounds*, to *John Larrabee*, Captain of his Majesty's Garrison at Castle *William*, in Consideration of his faithful Discharge of that Trust reposed in him. Capt. Larrabee.
Sent up for Concurrence.

Resolved, That there be allowed and paid out of the public Treasury, the Sum of *Sixty Pounds*, to Mr. *William Baker*, Door-keeper to his Excellency the Governour, and this Court, for his Service for one Year, to be paid Quarterly ; and also the further Sum of *Forty Pounds*, in Consideration of his Expence in hiring Assistance, and extraordinary Care and Trouble as Doorkeeper. Door-keeper.
Sent up for Concurrence.

Voted, That the House proceed to the Choice of a Person to preach before the General Court on the next Anniversary Day of Election, to Morrow at three o'Clock Afternoon. Vote for a Choice.

On a Motion made and seconded, *Voted*, That the House Reconsider their Vote of the 13th of *December* last, for not taking under Consideration an Excise on spirituous Liquors, the present Sitting of the Court :— And Committee for an Excise-Bill.

Ordered, That Col. *White*, Mr. *Foster*, Judge *Russell*, Col. *Worthington*, and Col. *Ruggles*, be a Committee to prepare and bring in a Bill for laying an Excise on spirituous Liquors, the Year ensuing.

Then the House adjourn'd till to Morrow Morning Ten o'Clock.

Ueneris 13. Die Januarii, A. D. 1758.

I *Saac Royall*, Esq; brought down a Petition of *Ebenezer Poley*, and sundry others, Inhabitants of *Leominster*, praying such Relief under the Difficulties they are at present involved in, by the Dismission of their Pastor, the Rev. Mr. *John Rogers*, in Consequence of the Result of a Council called by one of the contending Parties only. Petition of Eben. Poley, &c. bro't down.

Pass'd in Council, viz. In Council *January* 12th 1758.

Read and *Ordered*, That the Petitioners serve the adverse Party with a Copy of this Petition, by leaving an attested Copy thereof with Deacon *Gardner Wilder*, that they shew Cause (if any they have) on the first Friday of the next Sitting of the Court, why the Prayer thereof should not be granted.

Sent down for Concurrence.

Read,

Read, and non-concur'd ; and *Ordered*, That the Petition be dismiss'd. Sent up for Concurrence.

Bill Engross'd.

A Bill Intitl'd *An Act in Addition to the several Acts of this Province relating to Houses of Correction.*

Read a third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

Report on Governour's Message.

The Committee appointed on his Excellency's Message of the 30th of *December* last, and to examine the Accounts therein referred to, Reported verbally, that they had attended that Service, and find the said Accounts right cast, and well vouched, and were of Opinion that Provision be made for Payment thereof : Which Report not being accepted,

Ordered, That the said Accounts be Re-committed for further Examination, and that Mr. *Goldwait* be added to the Committee.

Report on Petition of Joanna Hoyt.

The Committee appointed on the Petition of *Joanna Hoyt*, Reported thereon.

Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to *Artemas Ward*, Esq; for the Petitioner's Use, *eighteen Shillings and nine Pence*, in full for the seventeen Days the said *Benjamin* was made up short in the Muster-Roll of the Company he belonged to, on the last *Crown-Point* Expedition.

Sent up for Concurrence.

Petition of Robert Hale, Esq;

A Petition of *Robert Hale*, Esq; Administrator of the Estate of *Benjamin Ives*, late Lieutenant of the Province *Snow Prince of Wales*, deceased, setting forth, that the said *Benjamin* received his Commission the 12th of *April* last, but being taken sick, with the Illness of which he afterwards died, before the said *Snow* went out last on her Cruize, did not proceed in her ; that the said Vessel being since taken, and the Captain still in the Enemy's Hands, no Muster-Roll will probably be made up for some Time ; and as the said *Benjamin's* Estate must be represented Insolvent, no Distribution thereof can be made, until what was due to him from the Province is paid ; therefore praying, that he may receive out of the public Treasury, the Wages due to said *Benjamin* for his said Services, to prevent Injury being done to the Creditors by Delay.

Read and *Ordered*, That Col. *Osgood*, Mr. *Witt*, and Mr. *Bacon*, be a Committee to take this Petition under Consideration, and Report thereon.

Petition of John Noyes, &c. bro't down.

Isaac Royall, Esq; brought down the Petition of *John Noyes*, and others, as entred the 7th of *December* last, with the following Vote of Council thereon, viz.

In Council *January* 12th 1758.

On a Motion made and seconded, *Ordered*, That the Petitioners notify the second Precinct in the Town of *Stoughton* of this Petition, by leaving an attested Copy thereof with the Clerk of said Precinct, that they shew Cause (if any they have) on the second Tuesday of the next Sitting of the Court, why the Prayer thereof should not be granted. Sent down for Concurrence.

Read and concur'd.

Isaac

Isaac Royall, Esq; brought down the Petitions of *John Labrador*, and other Petitions of the late Inhabitants of *Nova-Scotia*, of the like Import, with the Report of the Committee of both Houses thereon. Petitions of *John Labrador*, &c. bro't down.

Signed *James Minot*, per Order.

Pass'd in Council, *viz.* In Council *January* 12th 1758.

Read, and not accepted; and *Ordered*, That some one at least of the Select-Men of the several Towns following, *viz.* of *Brain-tree*, *Wilmington*, and *Tewksbury*, be directed to attend this Court on Wednesday the 18th Instant, to make Answer to the Complaints of the French People placed in said Towns respectively.

Sent down for Concurrence.

Read, and non-concur'd; and *Ordered*, That the Report be accepted.

Sent up for Concurrence.

Post Meridiem.

The Committee to whom was Re-committed the Militia-Bill, Reported their Amendments. Report on Militia-Bill.

Read and accepted, and pass'd a Concurrence with the Vote of the honourable Board, with the Amendments.

Sent up for Concurrence.

The House, according to the Order of the Day, proceeded to the Choice of a Person to preach before the General Court on the next Anniversary Day for Election of Councillors. And Choice of the Rev. Mr. Frink, to preach the Election Sermon.

Ordered, That *Capt. Dalton*, *Col. White*, and *Mr. Foster*, be a Committee to collect, count and sort the Votes, and Report the Choice that shall be made.

The House brought in their Votes for said Choice accordingly: Which being collected, sorted and counted by the said Committee, they Reported that the *Rev. Mr. Thomas Frink* of *Rutland*, was chosen.

Thereupon,

Ordered, That *Col. Murray* be desired to acquaint the *Rev. Mr. Thomas Frink*, that the House have made Choice of him to preach before the General Court on the next Anniversary Day for Election of Councillors, and to desire his Compliance.

An Engross'd Bill Intituled, *An Act for incorporating the Lands called Province Lands, West of Sheffield, and East of Noble's Town in the County of Hampshire, into a seperate District by the Name of—* Bill Enacted.

Read and *Resolved*, That the Bill pass to be Enacted.

Isaac Royall, Esq; brought down the Petitions of *John Labrador*, and of sundry other French Neutrals (so called) of the like Import. Petitions of French Inhabitants bro't down.

Pass'd in Council, *viz.* In Council *January* 13th 1758.

Read and concur'd, with the Amendment at A.

Sent down for Concurrence. Read and concur'd.

Isaac Royall, Esq; brought down the Petition of the Inhabitants of *New-Marblehead*, as entred the 12th of *October* 1756, with the Papers accompanying the same, together with the Report of the Committee of both Houses thereon. Petition of Inhabitants of New-Marblehead bro't down.

Signed *John Hill*, per Order.

Pass'd in Council, *viz.* In Council *January* 12th 1758.

D d d d

Read

Read, and accepted, and accordingly *Ordered*, That the said Proprietors lay their Original Grant before this Court, as also an Account how far the respective Proprietors have complied with the Condition thereof, on or before the second Tuesday of the next Sitting of the Court. Sent down for Concurrence.

Read and concur'd.

Order on
Memorial of
Enoch Freeman, Esq;

The Committee appointed on the Memorial of *Enoch Freeman*, Esq; Reported according to Order.

Read, and not accepted; and *Ordered*, That the Memorial be dismiss'd.

Report on
Petition of
George Newman, &c.

The Committee appointed on the Petition of *George Newman*, and *Lucy* his Wife, Reported thereon.

Read, and accepted, and *Ordered*, That the Prayer of this Petition be granted; and that the said *George Newman*, and *Lucy* his Wife, in her said Capacity of Administratrix, be, and hereby are, authorized and impowered to make Sale of so much of the Real Estate of the said Deceased, as that the Proceeds thereof shall amount to the Sum of *nineteen Pounds thirteen Shillings and five Pence*, and the Charges arising by such Sale; and to execute a good Deed or Deeds for conveying the same agreeable to Law, they observing the Directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving sufficient Caution to the Judge of Probate for the County of *Essex*, to be accountable for their Proceedings herein.

Sent up for Concurrence.

Petition of
Thomas Dudley, &c.

A Petition of *Thomas Dudley*, and others, Children and Heirs, and of *Joseph Williams*, Esq; Guardian to *Anne Dudley*, a Minor Daughter and the other Heir of the Hon. *William Dudley*, late of *Roxbury*, in the County of *Suffolk*, Esq; deceased, setting forth, that the said Deceased in the Year 1724, granted to the Indians of the *Nipmug* Country, the Improvement of a Tract of Land of one Mile square, lying in the Town of *Dudley*, to them and their Descendants, reserving the Fee to himself and his Heirs; that the said Indians are now so much reduced in their Numbers, that they are capable of improving but a small Part of said Lands, and not likely to reap any Advantage therefrom, under it's present Circumstances; therefore praying, that the said Indians or their Guardians, may be impowered to release their said Right to four Hundred Acres of said Lands, the Petitioners paying, for the Use of said Indians, such a Sum of Money into the Hands of their Guardians, as shall by this Court be judged reasonable.

Read and *Ordered*, That Col. *White*, Mr. *Foster*, and Mr. *Wilder*, be a Committee to take this Petition under Consideration, and Report what they judge proper for this Court to do thereon.

Then the House adjourn'd till to Morrow Morning Ten o'Clock.

Sabbati 14. Die Januarii, A. D. 1758.

THE Committee to whom was Re-committed their Report on the Petition of *Nathan Tuthill*, and others, Reported verbally, that Matters being likely to be accomodated between the Parties, without the Interposition of this Court, they were of Opinion that the Person who presented the Petition, should have Leave to withdraw it : Thereupon,

Voted, That Liberty be given for withdrawing the same accordingly.

On a Motion made and seconded, *Ordered*, That Capt. *Brown*, Col. *Worthington*, Mr. *Prat*, and Mr. *Foster*, be added to the Committee appointed on the several Papers which his Excellency directed to be laid on the Table the 6th Instant, and to consider the State of the Frontiers.

The Committee appointed to prepare and bring in a Bill for laying an Excise on spirituous Liquors, Reported a Bill Intituled *An Act for granting unto his Majesty an Excise on Spirits distilled, and Wine, and upon Limes, Lemons and Oranges* : Which the Chair-man read at his Place, and then delivered in at the Table.

The said Bill was read a first Time, and *Ordered*, That the Secretary and Treasurer of the Province, be directed to attend the House.

Mr. Secretary attended accordingly : When Mr. Speaker was pleased to enquire of him, Whether the Clerks of the Sessions in the several Counties have returned into his Office, Copies of the Receipts given by the Farmers of Excise the last Year, agreeable to the Directions of the Law relating to the Excise ? And if they have, that the House desire they may be laid on the Table.

Mr. Secretary informed the House, that he had received the Returns from four of the Counties only : Which he laid on the Table accordingly.

Mr. Treasurer *Gray* attended agreeable to the Direction of the House : When Mr. Speaker was pleased to enquire of him, Whether the Farmers of the Excise on spirituous Liquors, had rendered an Account of what they received of licenced and permitted Persons, agreeable to the Directions in the Excise-Act ?

Mr. Treasurer acquainted the House, that none of the Farmers had rendered any Account to him, that the Term of ten Months from the Expiration of the Year, is not yet quite compleated ; but that he has been informed, none of the Farmers intend to render such an Account, they being determined to take the Advantage of some supposed Defect in the Law.

And after a Debate had on the Excise-Bill, the Question was put, *Whether it be the Mind of the House, that in Stead of Farmers, Collectors should be appointed to collect the Excise, and that the Bill be formed accordingly ?*

Resolved in the Affirmative.

And
Ordered,

Message
from the
Board.

Ordered, That the Bill be Re-committed for that Purpose, the said Collectors to be impowered and directed to swear all licensed and permitted Persons to the Truth of their Accounts.

Message to
the Board.

William Brattle, Esq; came down with a Message from the honourable Board, to acquaint the House, that they have concur'd the several Amendments of the House on the Militia-Bill, and pass'd the same to be Engross'd :—But on looking over the Bill, they were of Opinion it would be proper to make an Amendment thereon, and had directed him to propose the same : Which being considered and agreed to by the House,

Petition of
Eben. Poley,
&c. bro't
down.

Ordered, That *Capt. Dalton* go up with a Message to the honourable Board, and acquaint them the House agree to the Amendment proposed.

Who returned, that he had delivered the Message.

Richard Cutt, Esq; brought down the Petition of *Ebenezer Poley*, and others, of *Leominster*.

Order
thereon.

Pass'd in Council, *viz.* In Council *January 14th 1758.*

Read, and non-concur'd, and the Board adhere to their own Vote, with the Amendments as taken into the following Draught, *viz.*

Ordered, That the Petitioners serve the Town of *Leominster* with a Copy of this Petition, by leaving the same with the Clerk of said Town, that they shew Cause, if any they have, on the second Wednesday of the next Sitting of this Court, why the said Town should not be erected into two Parishes, agreeable to the Prayer of this Petition ; provided the Matters in Difference shall not be accommodated in the mean Time.

Sent down for Concurrence.

Read and *Ordered*, That the Consideration of the Affair be referred till Tuesday next, at three o'Clock Afternoon.

Then the House adjourn'd till Monday next, three o'Clock Afternoon.

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V O T E S

Of the House of Representatives.



Lunæ 16. Die Januarii, A. D. 1758.

THE House met, and adjourn'd till to Morrow Morning ten o'Clock.

Martis 17. Die Januarii, A. D. 1758.

Petition of *Stephen Gunn*, praying an Allowance of his Account exhibited of his Expences in conveying in the Year 1755, by Warrant from the Authority of this Government, several Persons from *Sheffield* to his Majesty's Goal in *Springfield*, and safe keeping and supporting them four Days; and for his further Trouble and Expences afterwards in said Affair. Petition of *Stephen Gunn*.

Read and Ordered, That Col. *White*, Mr. *Merrill*, and Major *Reed*, be a Committee to consider this Petition, and Report thereon. Bill Enacted.

An Engross'd Bill Intituled *An Act in Additison to an Act Intituled An Act for Regulating the Hospital on Rainsford's-Island, and further providing in Case of Sicknes*.

Read and Resolved, That the Bill pass to be Enacted.

On a Motion made and seconded, Voted, That Col. *Osgood*, who presented the Petition of *James Carlton*, have Liberty to withdraw the same. Vote on Petition of *James Carlton*

An Engross'd Bill Intituled *An Act in Addition to the several Acts of this Province for Regulating the Militia*. Bill Enacted.

Read and Resolved, That the Bill pass to be Enacted.

Mr. Secretary *Oliver* brought down a Letter he had received from Mr. Secretary *Atkinson*, dated *Portsmouth, Jan. 11. 1758*. Letter bro't down.

Which was read.

A Bill Intituled *An Act in further Addition to an Act Intituled An Act for Explanation of, and Supplement to an Act referring to the Poor*. Order on a Bill.

Read a second Time. And Ordered, That the Bill be committed to Mr. *Pratt* for the Amendments proposed.

John Erving, Esq; brought down the following Vote of Council, viz. In Council Jan. 17th 1758. Voted, That *Thomas Hutchinson*, and *William Brattle, Esqrs;* with such as the honourable House shall appoint, be a Committee to take under Consideration the several

Letters received from the other Governments of *New-England*, in Answer to the Proposal of this Government of appointing Commissioners to consider of some suitable Measures for our mutual Defence: And that the said Committee report what Answer they shall judge proper to be returned to the said Letters.

Sent down for Concurrence.

Read and concur'd, with the Amendment at A; and Mr. *Tyng*, Mr. *Prat*, and Col. *White*, are joined in the Affair.

Sent up for Concurrence.

Message
from the
Board.

William Brattle, Esq; came down with a Message from the honourable Board, to propose two Amendments on the Engross'd Militia-Bill:

Which being taken into Consideration by the House;

Ordered, That Mr. *Flucker* go up with a Message to the honourable Board, and acquaint them, That the House disagree to the first, and agree to the second Amendment proposed.

Post Meridiem

Petition of
James Parker

A Petition of *James Parker*, in Behalf of *Margaret Forbush*, Widow of *Charles Forbush*, deceased, shewing, That the said *Charles* entered into the Service on the last *Crown-Point* Expedition, and proceeded to *Fort-Edward*, where he was taken sick, and thereby prevented joining the Company he belonged to at *Lake-George*, that he died on his return back to *Saratoga* the 9th of *Sept.* 1756; and praying that she may be allowed the Wages due to her said Husband for the Time he was in the Service, his not being born on the Muster-Roll therefor notwithstanding.

Read and Ordered, That Major *Ward*, Capt. *Howard*, and Major *Reed*, be a Committee to consider this Petition, and Report thereon.

Petition of
Mary Merrow.

A Petition of *Mary Merrow* of *Reading*, in the County of *Middlesex*, setting forth, that her only Son *Edward Merrow*, in *March* last, enlisted into the Service in the Troops raised by this Government, under the Command of his Excellency the Earl of *Loudoun*, and marched to *Fort-Edward*, and did Duty there till some time in *October* last, when (being in an ill State of Health) he was dismiss'd, and got down to *Albany*; that his Father hearing of it, went there, to fetch him home, but being taken sick of the Small-Pox he there died, and communicated the Infection to his Father, who after his Return was seized with and died of the same Distemper; and praying that her difficult & distressed Circumstances may be considered, and such Allowance made her as shall be judged reasonable, towards defraying the Charges of said Journey, and of her Husband's Sicknes and Death.

Report on
Petition of
John Malcom
&c.

Read and Ordered, That the Petition lie on the Table.

The Committee appointed on the Petition of *John Malcom* and *Joseph Deckers*, Reported according to Order.

Read and not accepted; and Ordered, That the Petition be dismiss'd.

The Committee appointed on the Petition of *Samuel Brown*, Jun. and *Elijah Williams*, Esq; Reported according to Order. Report of *Sam. Brown*, Jun, &c.

Read and *Ordered*, That the Report lie on the Table.

The House, according to the Order of the Day, Re-assumed the Consideration of the Vote of Council, on the Petition of *Ebenezer Poley*: Read again, and non-concur'd; and the House adhere to their own Vote. Vote on Petition of *Eben. Poley*. &c.

A Plan of two Hundred Acres of the unappropriated Lands belonging to the Province, in the County of *Hampshire*, as surveyed and laid out to *Daniel Grainger*, by *Benjamin Day*, Surveyor, and two Chain-men on Oath, agreeable to the Order of the General Court, pass'd the 12th of *January* 1757, was returned, and presented for Confirmation. Order relating to Province Lands.

Read, and *Ordered*, That the within Plan be Recorded in the Secretary's Office. Sent up for Concurrence.

Gamaliel Bradford, Esq; brought down a Petition of *Joseph Dugas*, late Inhabitant of *Nova-Scotia*, shewing, that he with his Family were ordered from the Town of *Marblehead* to *Holliston*, where they have been supported for some time, but are informed by the Select-men, that they have no Orders to provide for them any longer; and praying that they may be placed where they can find Work sufficient to maintain themselves, or that they may be furnished with what is wanting by the Government. Petition of *Joseph Dugas*, bro't down.

Read and *Ordered*, That *Col. Buckminster*, *Mr. Stetson*, and *Capt. King*, be a Committee to consider of this Petition, and Report thereon.

Then the House adjourn'd till to Morrow Morning Ten o'Clock

Mercurii 18. Die Januarii, A. D. 1758.

THE Committee appointed on the Accounts of the Commissaries who were employed in the last *Crown-Point* Expedition, Reported according to Order. Report on Commissaries Accounts.

Read and not accepted; and after a large Debate had thereon, *Ordered*, That the same lie on the Table.

The Committee appointed on the Petition of *Capt. Joseph Ingersol* and *Capt. William Arburthnot*, Reported thereon. Report on Petition of *Capt. Ingersol*, &c.

Read and not accepted: and *Ordered*, That the Petition be dismiss'd.

The Committee appointed to take under Consideration the several Papers that were laid before the House, by Direction from his Excellency the Governour; and to take under Consideration the State of the Frontiers, Reported according to Order. Report on sundry Papers &c.

Read and *Resolved*, That the House take the said Report under Consideration at three o'Clock Afternoon.

The Committee appointed on the Petition of *James Cargill*, as entered the 12th Instant, Reported thereon. Report on Petition of *James Cargill*

Read and not accepted; and *Ordered*, That the Petition and Report lie on the Table.

Post Meridiem.

Order on an
Excise Bill. A Bill Intitl'd *An Act for granting unto his Majesty an Excise upon Spirits distilled and Wine, and upon Limes, Lemmons & Oranges.*

Read a second Time. And

Ordered, That the Bill have a third Reading at ten o'Clock to Morrow Morning.

Order on
public Pa-
pers.

The House, according to the Order of the Day, took under Consideration the Report of the Committee appointed on the Papers laid before the House by Direction from his Excellency the Governour, and to consider the State of the Frontiers: Read again, and accepted in Part:—And *Ordered*, That the further Consideration of the Report be referred 'till to Morrow Morning Ten o'Clock.

Order on
Memorial of
Andr. Oliver,
Esq; &c.

The Memorial of *Andrew Oliver*, Esq; and others, Trustees of the Linnen Manufactory, as entred the 16th of *June* last, and afterwards referred, was read again; and

Ordered, That Col. *Buckminster*, Col. *Choate*, Mr. *Tyng*, Capt. *Collins*, Mr. *Bacon*, Mr. *Witt*, and Capt. *Epes*, be a Committee to take this Memorial under Consideration, repair to the Manufactory-House, examine the State and Circumstances of it, and Report what they judge proper for this Court to do thereon.

Then the House adjourn'd till to Morrow Morning Ten o'Clock

Jovis 19. Die Januarii, A. D. 1758.

Report on
public Let-
ters bro't
down.

John Hill, Esq; brought down the Report of the Committee of both Houses, appointed to consider of the Letters from the several *New-England* Governments relating to the appointing Commissioners to concert Measures for our mutual Defence &c.

Signed *T. Hutchinson*, per Order.

Pass'd in Council, viz. In Council *January* 19th 1758. Read and accepted, and the Secretary is directed to sign the Letters referred to, in the Name of the Court.

Sent down for Concurrence. Read and concur'd.

Bill En-
grofs'd.

A Bill Intitl'd *An Act for granting unto his Majesty an Excise upon Spirits distilled and Wine, and upon Limes, Lemmons & Oranges.*

Read a third Time, and pass'd to be Engrofs'd.

Sent up for Concurrence by Col. *Quincy*, Col. *White*, Mr. *Tyng*, Col. *Nichols*, and Col. *Williams*.

Vote relat-
ing to pub-
lic Papers.

On a Motion made and seconded, That the Consideration of the remaining Part of the Report of the Committee on the Papers laid before the House by order of his Excellency the Governour &c. be referred to the next Sitting of the Court.

Voted, That the Consideration of the said Report, as also of the Motion for the Reference, be had at three o'Clock Afternoon.

Post Meridiem

The Committee appointed on the Petition of *Mercy Pixley*, and other Petitions of the like Import, Reported on the Petition of *Ezekiel Cheever*. Report on Petition of Ezekiel Cheever.

Read and thereupon *Resolved*, That there be allowed and paid out of the public Treasury to the Petitioner *twelve Shillings* for the Use of his Gun which he carried into the Service in the Year 1755 ; also that the Treasurer be and hereby is directed to pay him *forty five Shillings*, part of the *four Pounds* stopped out of the Wages due to him on the last *Crown-Point* Expedition, on Account of his Arms not being returned.

Sent up for Concurrence.

The Committee appointed on the Petition of *William Eaton*, and other Petitions of the like Import, Reported on the Petition of *John Butbrick*. Report on Petition of John Butbrick.

Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury, to the Petitioner, the Sum of *two Pounds sixteen Shillings and five Pence*, in full of the half Pay he was entitled to, on his Re-enlisting into the Service on the last *Crown-Point* Expedition. Sent up for Concurrence.

The Committee appointed on the Petition of *Robert Hale*, Esq; Reported thereon. Report on Petition of Robert Hale, Esq;

Read, and not accepted :— And,

On a Motion made and seconded, Liberty was given to the Petitioner, to withdraw his Petition.

The House took under Consideration the Report of the Committee appointed on the Papers his Excellency ordered to be laid before the House. Report for Establishment.

Read, and *Voted*, That the following Establishment be made for the Defence and Protection of the Frontiers of this Province, viz.

On the Eastern Frontiers.

That there be Pay and Subsistence allowed at *Fort-Halifax*, to one Captain, one Lieutenant, three Sergeants, four Corporals, one Armourer, one Drummer, a Chaplain, and thirty Privates, and no more. Establishment for Eastern Frontiers.

At the Store-House at *Cushnoc*, to one Lieutenant, and fifteen Privates, and no more.

At the Truck-House at *Saco*, to fifteen Men, and no more, including one Lieutenant, one Sergeant, and one Corporal.

At *Fort-Brunswick*, to five Men, and no more, including one Sergeant.

At *Fort-Frederick* at *Pemaquid*, to twelve Men, and no more, including one Lieutenant, one Sergeant, and one Corporal.

At the Truck-House at *St. George's*, to thirty-five Men, and no more, including a Captain, one Lieutenant, one Sergeant, two Corporals, one Drummer, and one Armourer.

On the Western Frontiers.

That there be Pay and Subsistence allowed at *Fort-Massachusetts*, to one Lieutenant, one Sergeant, one Corporal, one Drummer, and no more. Establishment for Western Frontiers.

Drummer, and twenty Privates, and no more ; said Men to be employed in Scouting, as his Excellency the Captain-General shall direct and order.

At *Charlemont*, to sixteen Privates, and no more, *viz.* eight at *Hawke's* Garrison, and eight at *Taylor's*.

At *Colerain*, to twelve Privates, and no more.

At *Fall-Town*, to twelve Privates, and no more, *viz.* six at *Burk's* Garrison, and the other six at *Shelden's* ; all the said Men at *Charlemont*, *Colerain* and *Fall-Town*, to be employed in constant Scouting in such Manner as the Captain-General shall order and direct : And that there be allowed them one Lieutenant, three Sergeants, and one Corporal.

At the Block-House at *West-Hoosuck*, to ten Men of the Inhabitants, if so many Settlers there are, for the Defence of that Place, with one Sergeant to command them, and if there are more than ten Settlers, they to do Duty alternately ten at a Time.

At *Pontoosuck*, to six Men at *Williams's* Garrison, and to six at *Gutteridge's*, of the Inhabitants, if so many there be ; and if there is a greater Number of Inhabitants there, that Number to do Duty alternately.

All the aforesaid Officers and Men to receive the same Pay and Subsistence, as by the last Establishment for those Places respectively (except that *five Shillings and four Pence* per Week only shall be allowed for the Subsistence of those at *Fort-Massachusetts*.) This Establishment to continue to the fifteenth Day of *April* next, and no longer. Sent up for Concurrence.

And after a further Debate had on the Report, *Ordered*, That the Consideration of the remaining Part thereof be referred to the next Sitting of the Court.

Refere on
Soldiers Sub-
sistence.

Resolved, That whenever any Soldier in Pay of this Government for the Defence and Protection of the Frontiers, shall be absent from Duty on Furlough, the Subsistence of such Soldier shall be deemed and hereby is declared to be the Property of the Government. Sent up for Concurrence.

Memorial of
Joseph Frye,
Esq;

A Memorial of *Joseph Frye*, Esq; Colonel of the Forces raised by this Province for his Majesty's Service, under the Command of his Excellency the Earl of *Loudoun*, in Behalf of the Officers and Soldiers in said Forces who were at *Lake-George* at the Time of the Surrender of Fort *William-Henry*, praying that in Consideration of their good Services and great Sufferings, they may be allowed to receive Wages for such a further Time as may be judged reasonable, it being utterly impossible for a great Part of them under the Circumstances they were in, to return to their respective Homes in the Time allowed by the Vote of the Court of the first of *December* last, and for the Officers to make up their Rolls within the Time therein assigned.

Read and *Ordered*, That Capt. *Brown*, Col. *Nichols*, Mr. *Goldthwait*, Col. *Osgood*, and Capt. *Johnson*, be a Committee to take this Memorial under Consideration, and Report what they judge proper for this Court to do thereon.

The

The Committee appointed on the Petition of *Stephen Gunn*,
Reported according to Order. Report on
Petition of
Stephen Gunn.

Read, and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that there be, and hereby is, allowed to be paid out of the public Treasury to the Petitioner, the Sum of *Thirty six Pounds one Shilling and two Pence*, in full for his Service and Expences, as mentioned.

Sent up for Concurrence.

Isaac Royall, Esq; brought down a Petition of *Simon Blood*, Administrator of the Estate of *Samuel Hopkins*, late of *Billerica*, deceased, praying that he may be enabled to sell the whole of the Real Estate of the said *Samuel*, agreeable to the true Intent of the Order passed on his Petition presented to the General Court in *April* last, a Mistake being made therein as to the Number of Acres it consisted of. Pass'd in Council, viz. In Council *Jan. 18. 1758.* Read and *Ordered*, That the Prayer of this Petition be granted; and that the Petitioner (in his said Capacity) be, and he is hereby, empowered to make Sale of the whole of the said Deceased's Real Estate, with the Restrictions, and for the Purposes mentioned in the Order of this Court on his former Petition. Petition of
Simon Blood,
bro't down.

Sent down for Concurrence.

Read and concur'd.

Mr. Prat, to whom was committed the Bill Intituled, *An Act in further Addition to an Act Intituled, An Act for Explanation of, and Supplement to an Act referring to the Poor, &c.* Reported the Amendments proposed. Debate on a
Bill.

Read, and not accepted :— And after some Debate,

Ordered, That the further Consideration of the Bill, be referred till the next Sitting of the Court.

The Petition of *Joanna Mills*, entred the 7th of *December* last, and afterwards withdrawn, was presented to the House again, signed by the other Guardians mentioned, with the Report of the Committee appointed thereon. Report on
Petition of
Joanna Mills.

Read, and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that the said *John Gay*, *Amos Fuller*, and *Ebenezer Skinner*, be, and they hereby are, empowered to sell the Lands mentioned to such Person or Persons as shall appear willing to give most for the same, they giving public and timely Notice of said Sale, and in their said Capacity of Guardians, to give a good and sufficient Deed or Deeds of Conveyance thereof, they giving good Security to the Judge of Probate for the County of *Suffolk*, to improve and pay the Produce of such Sale, agreeable to the Prayer of the Petition. Sent up for Concurrence.

The Committee appointed on the Petition of *Joseph Dugas*, Reported thereon.

Read, and accepted; and *Whereas there is a Committee appointed to consider of some proper Method for easing the Province of the Charge of supporting the French Inhabitants of Nova-Scotia, now here, who have not yet Reported:* Order on
Petition of
French In-
habitants.

Ordered,

Ordered, That the Secretary be directed to write to the Select-Men of the Town of *Holliston*, to take Care that the said Family of French People under their Care, do not suffer in the mean Time.

Sent up for Concurrence.

Report on
Petition of

James Parker. The Committee appointed on the Petition of *James Parker*, in Behalf of *Margaret Forbush*, Reported thereon.

Read and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to *John Osgood*, Esq; for the Use of the within-mentioned *Margaret Forbush*, the Sum of *four Pounds* in full for the Services of her deceased Husband, on the last *Crown-Point Expedition*, as mentioned.

Sent up for Concurrence.

Message to
the Board.

Ordered, That Col. *Quincy* go up with a Message to the honourable Board, to desire they would give Dispatch to the public Affairs now lying before them, that the Court may have a Recess as soon as his Excellency pleases.

Who returned, that he had delivered the Message.

Vote for
Commissioners.

On a Motion made and seconded, *Voted*, That there be five Commissioners chosen to confer with Commissioners from the Neighbouring Government in *New-England*, for concerting Measures for our mutual Defence.

And

Message to
the Board.

Ordered, That Col. *Choate* go up with a Message to the honourable Board, and acquaint them, that the House propose to come to the Choice of said Commissioners, *viz.* two on the Part of the Board, and three on the Part of the House, by joint Ballot to Morrow at eleven o'Clock, if it be agreeable to them.

Who returned, that he had delivered the Message.

Message
from the
Board.

William Brattle, Esq; came down with a Message from the honourable Board, to acquaint the House, that they agree to the Proposal of the House of chusing Commissioners, to confer with Commissioners from the Neighbouring Governments, at the Time, and in the Manner proposed.

Resolve on
Agency.

On a Motion made and seconded, *Resolved*, That the House take under Consideration the Affair of the Agency at the Court of *Great Britain*, to Morrow, at three o'Clock Afternoon.

Committee
for List.

Ordered, That Capt. *Williams*, Mr. *Humphry*, and Capt. *Stevens*, be a Committee to prepare a List of the Travel and Attendance of the several Members of this House, for the present Sitting : And that the Committee be directed to make up the same, inclusive of Saturday next.

Then the House adjourn'd till to Morrow Morning Ten o'Clock.

Veneris 20. Die Januarii, A. D. 1758.

Order on
Petition of

Duncan Campbell, Esq; THE Committee appointed on the Petition of *Duncan Campbell*, Esq; by Leave of the House, laid the same on the Table again without any further Report thereon. And

Ordered, That the Consideration of the Petition be referred till the next Sitting of the Court, the Committee to make Enquiry in the mean Time, relative to the Affair.

The

The Petition of *Mary Greenleaf*, as entred the 10th of *December* last, was read again ;— and

Ordered, That Col. *Buckminster*, Capt. *Spaulding*, and Capt. *Dalton*, be a Committee to take the same under Consideration, and Report thereon.

Order on
Petition of
*Mary Green-
leaf*.

Isaac Royall, Esq; brought down the Report of the Committee of both Houses appointed to consider of some proper Method for Redemption of Captives.

Signed *William Pepperrell*, per Order.

Report of a
Committee
on Redemp-
tion of Cap-
tives bro't
down.

The said Report is as follows, viz.

In as much as there are Persons belonging to some of the other *New-England* Governments, now in Captivity ; and as it is probable Commissioners therefrom will soon meet, the Committee are of Opinion, that it be given as an Instruction to the Commissioners of this Government, to lay this Matter before said Commissioners, that so the Governments may unite in the Redemption of said Captives :—And that the Members of this Court, be desired to enquire who of the Inhabitants of this Province are now in Captivity ; and that they transmit the Names of such to the Secretary, as soon as may be ; and that the further Consideration of the Matter by this Court, be referred to it's next Sitting.

Pass'd in Council, viz. In Council *January* 20th 1758.

Read and accepted. Sent down for Concurrence.

Read and concur'd.

The Committee appointed on the Memorial of *Harrison Gray*, Esq; made a verbal Report :— And thereupon,

Resolved, That there be allowed and paid out of the public Treasury to *Harrison Gray*, Esq; Treasurer and Receiver-General of the Province, the Sum of *One Hundred Pounds*, in Consideration of his extraordinary Services to this Time.

Grant to the
Treasurer.

Sent up for Concurrence.

On a Motion made and seconded, Voted, That the House Reconsider their Vote for referring the Consideration of the Bill for erecting *Merriconeague-Neck*, &c. into a District, till the next Sitting of the Court.

And thereupon, the said Engross'd Bill Intituled, *An Act for incorporating a Neck of Land called Merriconeague-Neck, and certain Islands adjacent in the County of York, into a seperate District by the Name of—*, was read ; and

Bill Enacted.

Resolved, That the Bill pass to be Enacted.

Ordered, That Col. *Williams* go up with a Message to the honourable Board, and acquaint them the House are now ready to proceed to the Choice of Commissioners to confer with the Commissioners that may be appointed by the other *New-England* Governments, for concerting Measures for our mutual Defence, as soon as the honourable Board please.

Message to
the Board.

Who returned, that he had delivered the Message.

G g g g

James

Message from the Board. *James Bowdoin, Esq;* came down with a Message from the honourable Board to acquaint the House, they are now ready to proceed to the Choice of said Commissioners.

Order thereon. Ordered, That *Mr. Tyng, Col. White, and Mr. Flucker,* be a Committee to collect and carry up, and assist in sorting & counting the Votes of the two Houses, for said Commissioners, and to Report the Choice that shall be made.

Commissioners chosen. The House then proceeded to bring in their Votes for said Commissioners ; which being collected by the Committee, carried up, sorted and counted, together with the Votes of the honourable Board, the said Committee, Reported, that *Thomas Hutchinson, Stephen Sewall, Thomas Hubbard, and John Choate, Esqrs;* and *Mr. John Tyng,* were chosen.

Message to the Board. Mr. Secretary *Oliver* came down with a Message from the honourable Board to acquaint the House, that the honourable Judge *Sewall*, who was chosen one of the Commissioners, had desired to be excused from that Service, in as much as in all probability the Superiour Court for the Counties of *Middlesex* and *Suffolk*, would be Sitting at the Time of the proposed Conference, and that the Board, as far as it relates to them, had thereupon excused him ; and to propose, if the House likewise see fit to excuse him, to proceed to the Choice of some other Gentleman in his Room.

Which being considered by the House, was agreed to.

Judge *Sewall* and Mr. Speaker *Hubbard*, excus'd as Commissioners, & *Wm. Brattle* and *Benj. Prat*, Esqrs; chosen. Mr. Speaker, after expressing his grateful Sense of the Honour done him in chusing him one of the Commissioners, desired likewise to be excused from that Service, his private Affairs requiring his Attention, after so long a Session of the General Court, during which the public Business has taken up his whole Time.

Which Excuse was accepted by the House.

Mr. Speaker, by Leave of the House, then went up to the honourable Board, to excuse himself to them ; and after his return to the Chair again ;

Ordered, That *Col. Quincy* go up with a Message to the honourable Board, to acquaint them that the House are ready to proceed to the Choice of two Commissioners, in the Room of the two Gentlemen who have desired to be excused.

Who returned, that he had delivered the Message.

William Brattle, Esq; came down from the honourable Board, to acquaint the House they are now ready to proceed in the Choice of two Commissioners, in the Room of the honourable Judge *Sewall*, and of the honourable Mr. Speaker *Hubbard*.

The House accordingly brought in their Votes for two Commissioners : Which being collected by the Committee appointed for that Purpose, were carried up sorted and counted with the Votes of the honourable Board ; who Reported, That *William Brattle* and *Benjamin Prat, Esqrs;* were chosen.

The Committee appointed on the Petition of *Joshua Bordman*, Reported thereon.

Read and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to Capt. *Ithamar Hubbell*, for the Use of the Petitioner, the Sum of *seven Pounds four Shillings* in full for the four Months and an half Wages, omitted in the Muster-Roll of the Company he belonged to, on the last *Crown-Point Expedition*. *Sent up for Concurrence.*

Report on
Petition of
Josh. Bord-
man.

The Committee appointed to consider of some proper Method for paying the Tavern-keepers who subsisted the Soldiers raised the last Spring for his Majesty's Service on their March to the Place of Rendezvous, Reported according to Order.

Report on
the Method
of paying
Taverners

Read and accepted; and

Whereas sundry Taverners and others have exhibited their Accounts for Billetting the Soldiers raised by this Government for his Majesty's Service under the Command of his Excellency the Earl of Loudoun, on their March towards Albany the last Spring; and in as much as the Captains of the several Companies received the Money allowed for their Billetting on their said March: Therefore

Voted, That the Treasurer be, and hereby is, directed to pay the said Taverners and others who Billeted the said Soldiers on their said March, the Amount of their several Accounts, they producing a Certificate from the Captains or chief Officers of the Companies to which the Soldiers respectively belonged, of the Sums due for such Billetting:

Treasurer
directed.

And that he be further directed to stop the Sums he shall pay the said Taverners and others out of the Wages of those Captains to whose Companies the said Soldiers belonged, when the Muster-Rolls shall be made up. *Sent up for Concurrence.*

On a Motion made and seconded, *Ordered*, That Col. *Choate*, Mr. *Bordman*, and Col. *Gerrish*, be a Committee to consider of some suitable Manner of paying the Soldiers belonging to this Province, that are returned from the last Campaign, either in Part or in Whole, as Necessity may require, in as much as the Muster-Rolls cannot with Certainty made up at present, and Report.

Committee
on Soldiers
Pay.

[insert be]

Post Meridiem.

Ordered, That Mr. Speaker, Capt. *Livermore*, and Col. *White*, with such as the honourable Board shall join, be a Committee to prepare Instructions to the Commissioners chosen by this Court to meet with Commissioners that may be appointed by the other *New-England Governments*, for concerting Measures for our mutual Defence in this Time of Danger, and Report.

Committee
for Instructi-
ons.

Sent up for Concurrence.

The House Re-assumed the Report of the Committee appointed on the Memorial of *James Cargill*: Which was read again, and not accepted; and *Ordered*, That the Memorial be dismissed.

Order on
Memorial of
Ja. Cargill.

Ordered, That Mr. *Foster* go up with a Message to the honourable Board, to enquire whether they have joined the Committee to prepare Instructions to the Commissioners appointed to confer with Commissioners from the Neighbouring Governments?

Message to
the Board.

Who returned, that he had delivered the Message.

Whether

The House, according to the Order of the Day, proceeded to take under Consideration the Affair of the Agency at the Court of *Great-Britain* :— And after a Debate thereon, the Question was put,

Whether it be the Mind of the House, that it is expedient for the Province to be at this Time without an Agent at the Court of Great-Britain ? And it pass'd in the Negative.

The Question was then put,

Whether it be the Mind of the House, now to dismiss Mr. Bollan from his Agency ? Which also pass'd in the Negative.

Ordered, That Mr. Speaker, Judge *Russell*, and Mr. *Prat*, with such as the honourable Board shall join, be a Committee to prepare the Draught of a Letter to Mr. Agent *Bollan*, acquainting him, that considering the Difficulties and Burdens this Government are under, they are determined not to be at the Expence of a standing Agent from hence at the Court of *Great-Britain*, and to desire he would prepare for his Return, and that in the mean Time this Court will consider of some suitable Person residing in *Great-Britain*, to supply his Place of Agent.

Sent up for Concurrence.

Message from the Board.

Samuel Danforth, Esq; came down with a Message from the honourable Board, to acquaint the House, they have passed a Concurrence on the Excise-Bill, to be Engross'd ; but on further examining the same, they have directed him to propose some Amendments thereon, to the Consideration of the House : Which being considered, were severally agreed to ; and

Message to the Board.

Ordered, That Major *Williams* go up with a Message to the honourable Board, to acquaint them that the House have agreed to their proposed Amendments.

Grant to the Dep. Secretary.

The Committee appointed on the Memorial of Mr. *Thomas Clarke*, Reported according to Order.

Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to the Memorialist, the Sum of *Two Hundred Pounds*, in Consideration of his Services as Deputy-Secretary, for two Years, ending the 30th of *January* Current.

Sent up for Concurrence.

Petition of *James Cargill*

A Petition of *James Cargill* of *New-Castle*, in the County of *York*, setting forth, that he had the Misfortune not to recover the Scalp of one of the three Indians killed by him & his Companion, the last Spring, a stronger Party of the Enemy coming upon them, and obliging them to Retreat ; by Means whereof he is sensible he is not entitled, as the Votes of the Court stand, to any Bounty ; but praying, that notwithstanding he cannot produce the Scalp of the said Indian in Evidence, he may receive the Bounty allowed for killing one, or such Part thereof as shall be judged reasonable.

[Col.]

Read and *Ordered*, That this Petition be committed to C. L. *Nichols*, Col. *Hale*, and Col. *Cheney*, to consider, and Report what they judge proper for this Court to do thereon.

The

The Committee appointed on the Petition of *Thomas Dudley*, and others, made a verbal Report : And thereupon, Report on
Petition of
Thomas Dud-
ley, &c.

Ordered, That the Consideration of the Petition be referred to the next Sitting of the Court ; that the Petitioners may, in the mean Time, take a Plan of the 600 Acres of Land mentioned, therein particularly delineating those Parts that now are or have been under any Improvement by the said Indians.

The Committee appointed on the Petition of *Mary Greenleaf*, Reported thereon. Report on
Petition of
Mary Green-
leaf.

Read, and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that the Petitioner (in her said Capacity of Administratrix) be, and she hereby is, impowered to sell the Deceased's Real Estate mentioned, for the most the same will fetch, she posting up seasonable Notifications of the Time and Place of Sale, as the Law directs ; and to execute a good and sufficient Deed or Deeds of Conveyance thereof in the Law, she giving sufficient Security to the Judge of Probate for the County of *Essex*, to be accountable for the Proceeds of said Sale, according to Law. Sent up for Concurrence.

The Committee appointed to consider of some suitable Manner of paying the Whole or Part of the Wages due to the Soldiers returned from the last Campaign, &c. Reported according to Order. Report on
Pay of Sol-
diers.

Read and *Ordered*, That the Consideration of the Report, be referred till to Morrow Morning.

Then the House adjourn'd till to Morrow Morning Ten o'Clock.

Sabbati 21. Die Januarii, A. D. 1758.

THE Committee appointed on the Petition of *Nathan Lovejoy*, Reported according to Order.

Read and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to the Petitioner, the Sum of *twelve Pounds two Shillings and three Pence*, in full of the Wages due to him on the last *Crown-Point* Expedition, as the same was made up in the Muster-Roll of the Company he belonged to. Report on
Petition of
Nathan Love-
joy.

Sent up for Concurrence.

The Committee appointed on the Memorial of *Joseph Frye*, Esq; Reported thereon.

Read, and thereupon, *Resolved*, That in Consideration of the good Behaviour of the Memorialist, and those under his Command in the Defence of Fort *William-Henry*, and of their Sufferings after the Capitulation, there be allowed and paid out of the public Treasury two Months Wages to the said Officers and private Men, over and above the Allowance already made them. Report on
Memorial of
Joseph Frye,
Esq;

Sent up for Concurrence.

The Committee appointed on the Petition of *James Cargill*, as entered Yesterday, made a verbal Report :—And thereupon, Report on
Petition of
James Cargill.

H h h h

Resolved,

Resolved, That there be granted and paid out of the public Treasury to the Petitioner and his Companion, the Sum of *Three Hundred Pounds*, in Consideration of their killing one of the Indian Enemy, on the 23d of *April* last, their not producing the Scalp of said Indian in Evidence of his being killed notwithstanding.

Sent up for Concurrence.

Order on a Bill.

A Bill Intituled, *An Act for regulating the Proprietors of the Meadow and Flat-Ground within the Cove called the Little-Harbour, in the Township of Hingham, in the County of Suffolk.*

Read a first Time, and *Ordered*, That the Bill have a second Reading on Tuesday next, at ten o'Clock in the Morning.

Report on Petitions of sick and wounded Soldiers.

The Committee appointed on Petitions, from sick and wounded Soldiers, Reported on sundry of said Petitions : Which were read, and the Reports accepted ; And thereupon,

Resolved, That there be allowed and paid out of the public Treasury to Mr. *Richard Bailey*, for the Use of *Daniel Talbot*, £.12 10s. 8d. To *William Collins*, Esq; for the Use of *John Fearn*, 58s. To Mr. *Thomas Morey*, for the Use of *Nathan Williams*, 58s. To Mr. *Henry Gardner*, for the Use of *Jonathan Pierce*, 58s. 8d. for the Use of *Peter Graves*, 54s. 8d. and for the Use of *John Davison*, 10s. To *John Osgood*, Esq; for the Use of *Enoch Foot*, £.4 8s. 11d. To *Daniel Epes*, Junr. Esq; for the Use of *Hannah Shaw*, £.7 10s. To Mr. *David Wilder*, for the Use of *Jonathan Houghton*, 34s. To *Elisba Jones*, Esq; for the Use of *Daniel Hager*, £.4 16s. To *Thomas Cheney*, Esq; for the Use of *Josiah Burt*, £.3. and to *Artemas Ward*, Esq; for the Use of *Ebenezer Liscom*, 10s. in Consideration of the Expences, Sufferings and Services in their respective Petitions mentioned.

Sent up for Concurrence.

Report on Petition of Hannah Johnson.

The said Committee also Reported on the Petition of *Hannah Johnson*.

Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to *John Osgood*, Esq; for the Petitioner's Use, the Sum of *three Pounds six Shillings*, in Consideration of the Expences in her late Husband's Sickneſs, mentioned ; and that the Treasurer be directed to pay him for her Use, the further Sum of *forty Shillings*, being Part of the *four Pounds* stopped out of the Wages due to her said Husband, on the last *Crown-Point* Expedition, on Account of his Arms not being returned.

Sent up for Concurrence.

Report on Soldiers pay.

The House Re-assumed the Consideration of the Report of the Committee to consider of some Method for paying the Soldiers returned from the last Campaign.

Read again, and *Ordered*, That the Report lie on the Table.

Order relating to Agents Grant.

Whereas an Order passed this Court in December last, for the Payment of the Sum of Nine Hundred thirty seven Pounds seven Shillings and five Pence Farthing Sterling, to William Bollan, Esq; Agent for this Province at the Court of Great-Britain, in discharge of his Account of Expences to September 1756, which Sum
has

has not been as yet remitted to him ; and there being in the Hands of Mr. Treasurer Gray, a Bill of Exchange belonging to this Province, for the Sum of One Thousand and twenty nine Pounds ten Shillings & four Pence half Penny Sterling, the Draught of Christopher Kilby, Esq, on Messieurs William and Richard Baker, in London, dated New-York, 16th of May, 1757, payable to Harrison Gray, Esq; Treasurer, or Order :

Voted, That the Treasurer be directed to remit to Mr. Agent Bollen, the said Bill of Exchange, the Balance thereof being Ninety two Pounds two Shillings and eleven Pence Farthing Sterling, be the said Agent to be accountable to the Province for.

[insert it]

Sent up for Concurrence.

The Committee appointed on his Excellency's Message of the 30th of *December* last, and the Accounts therein referred to, made a verbal Report, That on Examination they think the said Accounts reasonable except Mr. *Decoster's*, in which they apprehend some Articles were over-charged : Which Report being accepted ; thereupon,

Resolve on
his Excel-
lency's Mes-
sage of the
30th ult.

Resolved, That there be allowed and paid out of the public Treasury to John Wheelwright, Esq; Commissary-General, the Sum of Three Hundred and three Pounds eighteen Shillings and eleven Pence, in full Discharge of the said Accounts (twelve Pounds being deducted from Temple Decoster's Bill, for over-charges therein) ; and that his Excellency the Governor be desired, with the Advice of the Council, to issue his Warrant on the Treasury for Payment thereof, out of the Appropriation for the Forces raised by this Government for his Majesty's Service, under the Command of his Excellency the Earl of Loudoun.

Sent up for Concurrence.

The Committee appointed on the Petition of Dr. *Amos Putnam* Reported thereon.

Report on
Petition of
Dr. Amos
Putnam.

Read, and accepted, and *Resolved*, That the Prayer of this Petition be so far granted, as that there be allowed and paid out of the public Treasury to the Petitioner, the Sum of *Twenty five Pounds*, being in full for two Months and an half Wages due to him from the 14th of *January* 1756, to the 31st of *March* following.

Sent up for Concurrence.

The Committee appointed on the Petition of *William Foye*, Esq; late Treasurer of the Province, as entred the 15th of *Dec.* last, Reported thereon.

Report on
Petition of
Wm. Foye,
Esq;

Read and *Ordered*, That the Consideration of the Report be referred till Tuesday next at three o'Clock Afternoon, if the Court be then Sitting, if not, to the next Sitting of the Court.

The Committee appointed on the Petition of *William Brooks*, and others, Soldiers posted at the Store-House at *Cushnoc*, Reported according to Order.

Report on
Petition of
Wm. Brooks,

Read, and accepted, and *Voted*, That the Prayer of this Petition be so far granted, as that the chief Officer at said Store-House, be,

be, and hereby is, allowed to make up his Pay-Roll agreeable to the former Establishment mentioned ; and that his Excellency the Captain-General be desired to give Orders for inlisting such a Number of effective Men, as shall be wanting to supply the Places of the Petitioners, and when that Number is compleated, to cause the Petitioners to be dismissed from the Service.

Sent up for Concurrence.

Report on
Memorial of
Richard
George.

The said Committee also Reported on the Memorial of *Richard George*, and others, Soldiers posted at *Fort-Halifax*.

Read, and accepted, and *Voted*, That the Prayer of this Memorial be so far granted, as that the chief Commanding Officer at said Fort, be, and hereby is, allowed to make up his Pay-Roll agreeable to the former Establishment mentioned ; and that his Excellency the Captain-General be desired to give Orders for inlisting such a Number of able-bodied effective Men, as shall be wanting to supply the Places of the Petitioners, and when that Number shall be compleated, to cause the Petitioners to be dismissed from the Service. Sent up for Concurrence.

Ordered, That the several Committees be directed to sit forthwith, and Report as soon as may be.

Then the House adjourn'd till Monday next, ten o'Clock in the Forenoon.



A decorative border consisting of a repeating pattern of stylized floral or star-like motifs.

An Engross'd Bill Intituled *An Act for granting unto his Majesty an Excise upon Spirits distilled and Wine, and upon Limes, Lemmons and Oranges.*
 Read and Resolved, That the Bill pass to be Enacted.

The Committee appointed on the Petition of *Mercy Pixley*, Report of
and other Petitions of the like Import, Reported on the Petition of *Nathanael*
of *Nathanael Davidson*.

Sent up for Concurrence.

His Excellency's said Message is as follows, *viz.*

Message
from the
Governour.

iii

General

General Instructions from me, and have a discretionary Power given him to direct such Parties on all Emergencies, when there is not Time to apply to me.

I have no further Arguments, Gentlemen, to use with you. It is your own Interest that you neglect ; and it is to you, and not to me, that the ill Consequences of such Measures must be attributed.

Province-House,

T. POWNALL.

Jan. 21. 1758.

His Excellency's Message foregoing, was read ;— and Ordered, That the same be taken under Consideration at five o'Clock this Afternoon.

Petition of
Robert Stone
bro't down.

James Bowdoin, Esq; brought down a Petition of *Robert Stone*, and others, Inn-holders in the Town of *Boston*, praying that some of the Recruits raised for his Majesty's Service in the Regular Troops, may be by an Order of the Government, Billeted at Houses licenced to sell spirituous Liquors, in some suitable Proportion to the Number and Conveniencies of such Houses.

Pass'd in Council, viz. In Council January 21st 1758.

Read and Ordered, That *William Brattle*, and *James Bowdoin*, Esqrs; with such as the honourable House shall appoint, be a Committee to take this Petition under Consideration, and Report what they judge proper for this Court to do thereon.

Sent down for Concurrence.

Read and concur'd ; and *Mr. Flucker*, *Mr. Tyng*, and *Mr. Foster*, are joined in the Affair.

Report on
List.

The Committee appointed to prepare a List of the Travel and Attendance of the several Members of the House the present Sitting, Reported according to Order.

Read, and examined, and allowed ; and Ordered, That the Clerk of the House certify the same accordingly.

Commissioners Ac-
counts refer-
red.

The House Re-assumed the Consideration of the Report of the Committee appointed on the Accounts of the Commissioners on the last Expedition against *Crown-Point* :—And after a further Debate had thereon, the Consideration of the Affair was referred, and the Report ordered to lie on the Table.

Question on
Excise.

On a Motion made and seconded, the Question was put, *Whether it be the Mind of the House to come to the Choice of Collectors of the Excise on spirituous Liquors before the next Sitting of the Court ?* And it pass'd in the Negative.

Order on
Memorial of
Elijah Wil-
liams, Esq;

The Committee to whom was Re-committed their Report on the Memorial of *Elijah Williams*, Esq; for further Enquiry, Reported that they had attended that Service, and heard the Parties a second Time ; that it did not appear to the Committee that the Memorialist had supported his Complaint against said *Hudson* ; and that he owned before them he was mistaken in Part.

Read, and accepted, and thereupon, Ordered, That the Memorial be accordingly dismiss'd as Groundless.

Vote for
further Estab-
lishment.

The House proceeded to take under Consideration his Excellency's Message of this Afternoon : Which was read again ;— And after a Debate,

Voted,

Voted, That there be allowed Pay and Subsistence for eight Men in Addition to those already allowed for the Garrison at *Fort-Halifax*, by the Establishment passed this House the nineteenth Instant. Sent up for Concurrence. And

Ordered, That Mr. *Tyng*, Col. *Gerrish*, and Mr. *Morey*, be a Committee to prepare the Draught of a proper Answer to his Excellency's said Message.

Then the House adjourn'd till to Morrow Morning Ten o'Clock

Partis 24. Die Januarii, A. D. 1758.

A Petition of *John Wright* of *Boston*, in the County of *Suffolk*, setting forth, that he billeted fundry Soldiers who returned from *Lake-George*, after the Surrender of *Fort William-Henry*, agreeable to the Schedule annexed, which proved a great Loss and Damage to him, with Regard to his Customers, it being generally apprehended they had the Infection of the *Small-Pox* among them, and one of them was taken with said Distemper at his House ; therefore praying, such an Allowance as shall be judged reasonable. Petition of
John Wright

Read and *Ordered*, That Mr. *Witt*, Mr. *Marsh*, and Mr. *Foster*, be a Committee to take this Petition under Consideration, and Report thereon.

The House Re-assumed the Consideration of the Report of the Committee appointed to prepare an Establishment for those of the Militia who marched on the late Alarm for the Relief of *Fort William-Henry* : Which Report was read again, and accepted ;— and Vote of
Establishment for
Officers &
Soldiers.

Voted, That the Commanding Officer of each Company of the Militia, that marched on the late Alarm for the Relief of *Fort William-Henry*, (or where the Company was not compleated the Commanding Officer of the Regiment) be directed to make up a Roll for Pay and Subsistence of himself and Company, as follows, viz.

| | |
|---|--------|
| For each Colonel, <i>ten Shillings</i> , | Ditto. |
| For each Lieut. Colonel, <i>eight Shillings</i> , | Ditto. |
| For each Major <i>seven Shillings</i> , | Ditto. |
| For each Chaplain <i>five Shillings</i> , | Ditto. |
| For each Chirurgeon <i>four Shillings and six Pence</i> , | Ditto. |
| For each Captain <i>five Shillings</i> , | Ditto. |
| For each Lieut. <i>three Shillings & nine Pence</i> , | Ditto. |
| For each Ensign <i>three Shillings</i> , | Ditto. |
| For each Adjutant <i>three Shillings</i> , | Ditto. |
| For each Sergeant, who was a Sergeant in the Militia, <i>two Shillings & ten Pence</i> , | Ditto. |
| For each Corporal as above, <i>two Shillings & nine Pence</i> , | Ditto. |
| For each private Soldier <i>two Shillings & eight Pence</i> , | Ditto. |

That

That in said Roll he carry out against his own and each of the Officers and Mens Names, their Wages, therein making a Column for the Supplies they received of Taverners and others, and deducting the same from the Sums respectively carried out.

That such Officers make Oath that they and their Men were so long in the Service, as they are born in their said Rolls.

That each of said Officers and Soldiers be allowed one Day's Pay and Subsistence before their March.

That fifteen Miles Travel be accounted a Day's March.

That the Tavern-keepers and others, who supplied such Officers and Soldiers, be directed, within two Months from this Time, to lay their Accounts before this House, to be examined by a Committee to be for that Purpose appointed :—The said Pay-Rolls not to be made up before the said two Months shall be expired.

Sent up for Concurrence.

Report and
Vote on Re-
turnsof Gen.
Winslow.

The Committee to whose Consideration was referred the Returns his Excellency received from General *Winslow*, of those of the Militia, that Marched for the Relief of Fort *William-Henry*, Reported, that they had attended that Service, and on Examination of said Returns, found them very imperfect, as neither the Time spent, nor the Number of Miles the Soldiers marched, are noted in several of them :— Thereupon,

Voted, That no Officer of the Militia be allowed to make up a Pay-Roll for any Men under his Command, that marched on the late Alarm for the Relief of Fort *William-Henry*, unless they marched fifteen Miles from their respective Homes :—And that no Roll be accepted for Payment, until first sworn to by such Officer as shall return the same. Sent up for Concurrence.

Vote of
Council
bro't down.

Francis Foxcroft, Esq; brought down the following Vote of Council, viz. In Council *January* 24th 1758.

Ordered, That the Treasurer deliver to the Agents of his Excellency Governor *LAWRENCE*, in this Province, the Accounts of the Charge of supporting *Jacques Morris*, and others of his Company, which came hither from the Southern Colonies, which Accounts are now before the Court; and the Treasurer is to desire Payment thereof, or otherwise to desire such Agents to transmit such Accounts to Governor *LAWRENCE*, for his Order thereon, agreeable to the Assurances given to the Province.

Sent down for Concurrence. Read and concur'd.

Message to
the Gov.

The Committee appointed to prepare the Draught of an Answer to his Excellency's Message of Yesterday, Reported thereon.

Read, and accepted, and *Voted*, That the following Message be sent to his Excellency the Governor, viz.

May it please your Excellency,

THE House, in Consequence of your Excellency's Message of the 21st Instant, have Re-assumed the Consideration of the State of *Fort-Halifax*, and added eight Men to the Establishment lately made for that Fort, which will make fifty in the whole. The House have seriously considered the other Part of your Excellency's

cellency's Message, where you recommend the making an Establishment for a General Officer on the Western Frontiers, and cannot be of Opinion that such an Officer is necessary, nor do they find that this Province have at any time made an Establishment for such an Officer, and therefore earnestly desire your Excellency will not insist on their doing it at this Time.

Ordered, That Mr. *Turner*, Mr. *Lyman*, Col. *Buckminster*, Major *Reed*, and Mr. *Sparhawk*, be a Committee to wait upon his Excellency with the foregoing Message.

On a Motion made and seconded, *Ordered*, That Col. *White* Message to go with a Message to the honourable Board, to desire his Ex- the Board. cellency's Message of the 30th of *December* last, relating to a Train of Artillery, with the Papers accompanying the same, may be sent down.

Who returned, that he had delivered the Message.

Isaac Royall, Esq; brought down the said Message and Papers, and laid them on the Table accordingly.

Thereupon the Vote of the House on the Accounts therein referred to, was read again ;— and

Ordered, That Col. *White* prepare the Draught of a Vote to be substituted in the Room of said Vote, and Report.

The Committee appointed on the Petition of *John Wright*, and *Timothy Burbank*, Reported verbally : And thereupon, Order on Petition of *John Wright* &c.

Ordered, That the Consideration of the Petition be referred to the next Sitting of the Court.

The Committee appointed on the Petition of *Isaac Vincent*, Vote on Petition of *Isaac Vincent*. Junr. Reported verbally, that they were of Opinion the Petition should be dismiss'd. And

On a Motion made and seconded, *Voted*, That the Person who presented the Petition, have Liberty to withdraw the same.

The Deputy Secretary came down with a Message from his Excellency the Governor : Which he read, and laid on the Table.

His Excellency's said Message is as follows, viz.

Gentlemen of the House of Representatives, Message from the Governour.
I Am sensible that you have made Provision for the Pay and Subsistence of eight Men more at Fort-Halifax, but I am at a Loss what could be intended by the Expression of adding eight Men.

When I recommended the making Provision for the Pay of an Officer, to have the Direction of the Forces on the Western Frontiers, I did not intend a General Officer, as that Term is used to distinguish the Rank of Officers, but such an Officer as you have formerly made Provision for, a Captain or Commander of the whole. If it was necessary last Year, it is as much so now ; and you have answered none of the Reasons contained in my 'last Message to you on this Subject.

Council-Chamber,

T. POWNALL.

Jan. 24th 1758.

His Excellency's Message aforegoing, was read.

K k k k

Col.

Col. *White*, according to Order, Reported the Draught of a Vote to be substituted in the Room of the Vote of the House on the Accounts referred to in his Excellency's Message relating to the Train of Artillery : Read and not accepted. And thereupon the said Message and Papers were again, and sent up to the honourable Board.

Order on
Petition of
Robert Stone.

Joseph Pyncheon, Esq; brought down the Petition of *Robert Stone* and others, Innholders in *Boston*, with the Report of a Committee of both Houses thereon. Signed *Wm. Brattle*, per Order.

Pass'd in Council, viz. In Council, *Jan. 24th 1758*. Read and not accepted, and Ordered, That this Petition be dismiss'd.

Sent down for Concurrence.

Read and Ordered, That the Consideration of the Petition be referred to the next Sitting of the Court.

Order for a
Bill.

On a Motion made and seconded, Ordered, That Mr. *Gridley* prepare a Bill in Addition to the Bankrupt Act, for exempting Tradesmen's Tools, necessary Household Stuff and wearing Apparel, from being sold on the first as well as second Bankruptcy; and Report at the next Sitting of the Court.

Committee
on Gover.
Message,

The House took under Consideration his Excellency's Message to the House of this Forenoon : Which was thereupon read again, and

Ordered, That Mr. *Tyng*, Col. *Gerrish*, and Mr. *Morey*, be a Committee to prepare the Draught of a proper Answer to his Excellency's said Message, and Report.

Post Meridiem

Report of
Petition of
*Ebenezer
Keith*.

The Committee appointed on the Petition of *William Eaton*, and other Petitions of the like Import, Reported on the Petition of *Benjamin Keith*.

Read and accepted, and Resolved, That there be allowed and paid out of the public Treasury to *Nath. Sumner*, Esq; for the Use of the Petitioner, the Sum of *two Pounds sixteen Shillings & eight Pence*, being the half Pay his said Servant *Ebe. Pratt*, was entitled to, on his Re-enlisting into the Service on the last *Crown-Point* Expedition.

Sent up for Concurrence.

Vote on
Germantown
Lottery.

On a Motion made and seconded, Voted, That the Managers of the *Germantown*-Lottery (so called) be, and hereby are allowed to make Use of the Representatives Room, in the Recess of the Court, to draw the several Classes of said Lottery, as also the Use of the Province Boxes, on Condition of their making good any Damage that shall ensue in Consequence thereof to the said Room or Boxes.

Sent up for Concurrence.

Petition of
*Benjamin
Furness*.

A Petition of *Benjamin Furness* of *Boston*, in the County of *Suffolk*, setting forth, that at the Desire of Col. *Frye*, he went to *Fort-Edward* in order to bake Bread for the Forces raised by this Government, for his Majesty's Service under his Excellency the Earl of *Loudoun*, for which he was to have received a Dollar from

each

[*Eben.*]

each Man at the End of the Campaign, in Case this Government should not pay him for said Service ; that he was at great Expence in building a Bake-House and Oven for carrying on said Business, and attending thereon, 'till the greatest Part of the Forces marched up to Fort *William-Henry*, just before it was attacked by the Enemy ; that on Surrender of said Fort, he lost all his Papers, containing among other Things, his Agreement with the several Captains, being all the Security he had for his Pay ; and praying that the Affair may be taken under Consideration, and that he may be afforded such Relief and Allowance for his Services, as shall be judged reasonable.

Read and *Ordered*, That the Consideration of this Petition be referred to the next Sitting of the Court.

Mr. Secretary *Oliver* came down with a Message from his Excellency the Governour to both Houses ; which he read and laid on the Table. Message.
from the
Governour.

His Excellency's said Message is as follows, *viz.*

Gentlemen of the Council, and House of Representatives,
THE Secretary has laid before me your Vote of an Establishment of Pay and Subsistence of the Forces on the Frontiers. The Scouting Parties on the Western Frontiers you have confined to certain Stations ; which is taking the Direction out of my Hands, to whom by the Constitution of your Charter, it belongs. I cannot but hope, that it proceeds from a meer Oversight, and not from any Intention to exercise any Powers that do not belong to you ; and that you will very readily make the necessary Amendments or Alterations in your Vote.

Council-Chamber

T. POWNALL.

Jan. 24. 1758.

His Excellency's Message foregoing was read ; and immediately taken under Consideration by the House : And after a large Debate thereon, the Question was put, Debate and
Order on
aforegoing
Message.

Whether it be the Mind of the House that any Alteration be made in their Vote for an Establishment ?

And it pass'd in the Negative.

And after further Debate, *Ordered*, That Mr. *Tyng*, Capt. *Brown*, and Capt. *Livermore*, with such as the honourable Board shall join, be a Committee to take his Excellency's Message of this Afternoon under Consideration, and Report what they judge proper to be done thereon. Sent up for Concurrence.

The Committee appointed on the Petition of *John Wright*, Reported according to Order. Report on
Petition of
John Wright.

Read and accepted, and *Resolved*, That the Prayer of the Petition be so far granted, as that there be allowed and paid out of the public Treasury to the Petitioner, the Sum of *eight Pounds five Shillings & six Pence*, in full for the Subsistence he afforded the said Soldiers on their Return from the last Campaign, as mentioned in the Schedule annexed. Sent up for Concurrence.

The Committee appointed on Petitions from sick & wounded Soldiers, Reported on sundry of said Petitions ; which were read, and the Reports accepted : And thereupon, Report of
Petitions
from sick
and wounded
Soldiers,

Resolved,

Resolved, That there be allowed and paid out of the public Treasury to *Moses Marcy*, Esq; for the Use of *Ebenezer Wallis*, *three Pounds fifteen Shillings*; to Capt. *Henry King*, for the Use of *William Pulfipher*, *five Pounds four Shillings*; to Mr. *Richard Bailey*, for the Use of *George Forrest*, *thirty Shillings*, and to Mr. *Jonathan Doan*, for the Use of *Hannah Lewis*, *four Pounds sixteen Shillings & eight Pence*; being in full Consideration of the Expenses in their Petitions mentioned. Sent up for Concurrence.

Report on
Petition of
*David Tom-
son*.

The said Committee also Reported on the Petition of *David Tomson*, Jun.

Read and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to the Petitioner the Sum of *nine Pounds twelve Shillings*, in Consideration of his Sufferings and Expenses mentioned; and that there be further allowed and paid him a Pension of *six Pounds* per Annum yearly, during the Pleasure of this Court. Sent up for Concurrence.

Message
from the
Board.

Isaac Royall and *James Bowdoin*, Esqrs; came down with a Message from the honourable Board; which they read and laid on the Table.

The said Message is as follows, viz.

In Council *January 24. 1758.*

Voted, That the following Message be sent to the House of Representatives, viz.

THE Board cannot observe without Concern, the Vote of the honourable House, ordering the Sum of *Three Hundred and three Pounds eighteen Shillings & eleven Pence*, to be paid out of the public Treasury, in discharge of the Accounts of the Cost of the Train of Artillery, prepared by his Excellency's Order, with the Advice of the Council, the House having first deducted *twelve Pounds*, as overcharged: That the providing such a Train was a necessary Measure, and has incurred a Debt upon the Government, the House will not dispute: That all such Accounts should be passed on and allowed by the Governour, with the Advice of the Council, has never been denied by any House of Representatives for more than twenty Years past. It is with Reluctance, that the Board have now Non-concurred this Vote of the House, being very loth that any Persons, employ'd by the Government, should be kept out of their Pay; and as every End which can be proposed by the House, for the Honour and Interest of the Province, may be effected by making a Grant for this Service in the usual Form, the Board earnestly desire the House to Re-consider their Vote, and to make said Grant accordingly.

The Message foregoing was read: — And after a Debate thereon, the Question was put,

Whether it be the Mind of the House to Reconsider their former Vote on the Accounts referred to in his Excellency's Message of the 30th December last; and to substitute another Vote in Stead thereof?

And it pass'd in the Negative.

And Ordered, That the foregoing Message from the honourable Board, lie on the Table.

Joseph

Order on
foregoing
Message.

Joseph Pynchon, Esq; brought down the Report of the Committee of both Houses appointed to prepare Instructions to the Commissioners chosen to confer with Commissioners from the Neighbouring Governments. Signed *John Erving*, per Order. Commissioners Instructions bro't down.

Pass'd in Council, viz. In Council *January* 24th 1758. Read and accepted. Sent down for Concurrence.

Read and concur'd.

William Brattle, Esq; brought down the Vote of the House, appointing a Committee to prepare the Draught of a Letter to Mr. Agent *Bollan*. Draught of a Letter bro't down.

Pass'd in Council, viz. In Council *January* 24th 1758.

Read and concur'd with the Amendment at A. and *Andrew Oliver*, and *Stephen Sewall*, Esqrs; are joined in the Affair.

Sent down for Concurrence. Read and concur'd.

Ordered, That all Matters that had Day at the present Sitting of this Court, and have not already been, or shall not be passed on before the Court Rises, be referred, and have the same Day at their next Sitting. Matters referred. Sent up for Concurrence.

Then the House adjourn'd till to Morrow Morning Ten o'Clock.

Mercurii 25. Die Januarii, A. D. 1758.

William Brattle, Esq; brought down the Petition of *David Thomson*. Pass'd in Council, viz. In Council *Jan.* 24. 1758. Petition of David Thomson, bro't down.
Read and concur'd, with the Amendment at A.
Sent down for Concurrence.

Read and non-concur'd; and the House adhere to their own Vote. Sent up for Concurrence.

Voted, That a Bounty of two Dollars be allowed to each of the Soldiers at *Fort-Halifax*, and the Store-House at *Cushnoc*, whose Time of Inlistment is now expired, on their Re-inlistment for the Term of one Year longer in said Service, and for whom Provision is made by the last Establishment for the Frontiers. Vote for Bounty.

Sent up for Concurrence.

The Committee on the Part of the House, appointed on his Excellency's Message of Yesterday Afternoon, informed the House, that they had conferred with the Committee on the Part of the Board, but that they were not like to agree upon any Report, as the last Resolve of the House relating to the Establishment for the Frontiers, seemed to preclude them from acting thereon.

James Minot, Esq; brought down the Vote for an Establishment for the Frontiers. Pass'd in Council, viz. In Council *Jan.* 25th 1758. Establishment bro't down &c, The Board taking into Consideration his Excellency's Message of the 24th of *January* to both Houses, relative to the foregoing Vote:— Thereupon,

Voted, That the Vote of Council above of the 21st of *January* be Re-considered, and voted a Concurrence with the House, with the Amendments at A. & B. Sent down for Concurrence.

Read, and non-concur'd the first Amendment at A, and concur'd the second Amendment at B, with the further Amendment.
Sent up for Concurrence.

Message to the Board.

Ordered, That Col. *Jones* go up with a Message to the honourable Board, to enquire whether they have passed upon the Vote of the House, for an Establishment for Pay and Subsistence for those of the Militia who marched upon the late Alarm for the Relief of Fort *William-Henry*?

Who returned, that he had delivered the Message.

Message from the Board.

Isaac Royall, Esq; came down with a Message from the honourable Board, to acquaint the House, that they had non-concur'd the said Vote.

Order on Petition of *Gilbert Deblois*.

The Committee appointed on the Petition of *Gilbert Deblois*, informed the House, that by Reason of some Difficulties on the Minds of some of the Committee, they had not agreed on a Report; and by Leave of the House laid the same on the Table again:

Thereupon, *Ordered*, That the Consideration of the said Petition be referred to the next Sitting of the Court.

Message to the Board.

Ordered, That Col. *White* go up with a Message to the honourable Board, to desire they would Re-consider their Vote of Non-concurrence with the Vote of the House, relating to the Pay and Subsistence of those of the Militia who marched on the late Alarm for the Relief of Fort *William-Henry*.

Who returned, that he had delivered the Message.

Establishment bro't down.

William Brattle, Esq; brought down the Establishment for the Frontiers. Pass'd in Council, viz. In Council Jan. 25th 1758.

Read and concur'd with the further Amendment at D.

Sent down for Concurrence. Read and non-concur'd

Message to the Board.

Ordered, That Col. *Quincy* go up with a Message to the honourable Board, to desire they would pass on all Affairs of a public Nature lying before them, that the Court may Rise this Forenoon, if his Excellency pleases.

Who returned, that he had delivered the Message.

Report of an Answer.

The Committee appointed to prepare the Draught of an Answer to his Excellency's Message to the House of Yesterday, Reported according to Order. Read and not accepted.

Vote on Establishment bro't down.

John Erving, Esq; brought down the Establishment for the Frontiers, with the following Vote of Council thereon,
Viz. In Council January 25th 1758.

Voted, That the several Votes of Amendments upon the Vote of the House be Re-considered; and voted a Concurrence with said Vote, as first sent up to the Board.

Sent down for Concurrence.

Draught of a Letter bro't down.

Read, and non-concur'd and the House adhere to their own Vote as amended. Sent up for Concurrence.

James Bowdoin, Esq; brought down the Draught of a Letter to Mr. Agent *Bollan*, as prepared by a Committee of both Houses appointed for that Purpose,—with the following Vote of Council thereon. Viz. In Council January 25th 1758. The foregoing Draught of a Letter to Mr. Agent *Bollan*, having been Reported by the Committee appointed for that Purpose, *Voted*,

Voted, That the said Draught be accepted ; and that the Secretary prepare three fair Copies of the same, and sign the same in the Name of the Court, and send them forward by three several Conveyances, as soon as may be. Sent down for Concurrence.

Read and concur'd.

Post Meridiem.

Ordered, That Col. *Quincy*, Col. *White*, Mr. *Witt*, Mr. *Sumner*, and Major *Reed*, be a Committee to wait upon his Excellency the Governor, to desire the Court may have a Recess this Afternoon, if his Excellency pleases. Committee to wait on his Excellency.

Who returned, that they had waited upon his Excellency, and delivered the Message.

Ordered, That Mr. *Tyng*, Mr. *Prat*, and Mr. *Flucker*, with such as the honourable Board shall join, be a Committee in the Recess of the Court, to enquire into the Loss of the Province Snow *Prince of Wales*, and Report at the next Sitting of the Court. Committee for Enquiry.

Sent up for Concurrence.

Samuel Danforth, Esq; brought down the Establishment for the Frontiers. Pass'd in Council viz. In Council Jan. 25. 1758. Establishment bro't down.

Read, and non-concur'd ; and the Board adhere to their own Vote.

Sent down for Concurrence.

Read and concur'd.

Mr. Secretary *Oliver* came down with a Message from his Excellency the Governor : Which he read, and laid on the Table. Message from the Governor.

His Excellency's said Message is as follows, viz.

Gentlemen of the House of Representatives,

Seeing you are resolved to run Matters to that Extream, that you will leave the Frontiers without any Provision of Defence, unless I will sign my Consent to a Vote of your House, wherein you assume a Right to determine the Stations and Destination of a Scouting Body of Troops ; which Vote the Council after divers Proposals of Amendment, in order to remove the Difficulty I was under, have at length agreed to : I will, to prevent the distressed State that the Inhabitants must be reduced to by this your Conduct, sign my Consent to the Establishment of Pay and Subsistence that you have provided by that Vote ; at the same Time declaring to you, that I Protest against the Breach you have made upon the Constitution of your Charter, and the Infringement on the Rights of the Crown.

In the Plan I laid before you, I have told you, and given you my Reasons for it, that I should employ the Forces in the same Manner that you determine by your Vote that they shall be employed ; so that there is no difference about the Service, the only Question is, who shall direct and limit this Service, the House of Representatives, or the King's Governor : But this your Charter leaves no Room to make a Question of.

Council-Chamber.

T. POWNALL.

Jan. 25. 1758.

His

His Excellency's Message foregoing was read again ; and
Ordered, That Mr. *Flucker* go up with a Message to the honourable Board, to desire that the Vote for an Establishment for the Frontiers, may be sent down.

Who returned, that he had delivered the Message.

James Minot, Esq; brought down the said Vote, and laid the same on the Table accordingly. The said Vote was read.

Message.
from the
Governour.

Mr. Secretary *Oliver* came down with the following Message from his Excellency the Governor, *viz.*

Mr. Speaker, His Excellency directs this honourable House attend him in the Council Chamber :

Mr. Speaker, with the House, went up accordingly ; when his Excellency was pleased to sign his Consent to the following engross'd Bills, *viz.*

An Act in Addition to the several Acts of this Province for Regulating the Militia.

An Act for granting unto his Majesty an Excise upon Spirits distilled and Wine, and upon Limes, Lemmons and Oranges.

An Act in Addition to an Act Intituled, An Act for Regulating the Hospital on Rainsford-Island, and further providing in Case of Sickness.

An Act for Incorporating a Neck of Land called Merriconeague-Neck, and certain Islands adjacent, in the County of York, into a separate District by the Name of Harpswell.

Prorogation
of the Court.

An Act further to exempt Persons commonly called Quakers and Annabaptists, from paying Ministerial Taxes.

And then Mr. Secretary declared, That his Excellency directs that this Great and General Court or Assembly, be Prorogued to Thursday the second Day of *March* next, to meet at the Court House in *Boston* at Ten o'Clock in the Forenoon of said Day :— And that the said Court was Prorogued to that Time accordingly.





A
JOURNAL

Of the Honourable House of
REPRESENTATIVES.

At a Great and General Court or Assembly for His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* in the County of *Suffolk*, upon Wednesday the twenty-fifth Day of *May* Anno Domini, 1757. And from thence continued by fundry Prorogations to Thursday the second Day of *March* following, and then met at *Boston* aforesaid, being the fourth Session of said Court.

***** Quorum of the House being present,
***** Ordered, That Col. *Choate*, Col. *White* Col. *Hale*,
***** A ***** Committee to wait
***** Col. *Quincy*, and Col. *Noyes*, be a Committee to wait
***** upon his Excellency the Governor, and acquaint him,
***** that a Quorum of the House are now met, and ready to
proceed to the Business of the Sessions, as soon as his Excellency
pleases.

Committee
to wait on his
Excellency.

Who returned, that they had waited on his Excellency, and delivered the Message.

Mr. Secretary *Oliver* came down with a Message from his Excellency the Governor, viz.

Message
from his
Excellency.

Mr. Speaker, His Excellency is now in the Chair, and directs the Attendance of this honourable House in the Council Chamber :

Mr. Speaker, with the House, went up accordingly : When his Excellency was pleased to make a SPEECH to both Houses ; of which Mr. Speaker obtained a Copy ; and then with the House returned to their own Chamber.

His Excellency's SPEECH is as follows, viz.

M m m m

Gentlemen

Gentlemen of the Council, and House of Representatives,

His Excel-
lency's
Speech to
both Houses,
at the open-
ing of the
Court.

“ **T**HE Season is now advancing fast, in which the Interests,
“ and perhaps the Being of these Colonies are to be con-
“ tended for by Arms: The Events of these Operations are in
“ the Hands of Providence: The Means are in our own Hands.
“ As therefore we in earnest value the Blessings of our Property
“ and Religion enjoyed in Liberty, we must in earnest steadily
“ and vigorously exert these Means.

“ While we English have been busied in Works of Peace, and
“ Industry, in settling and planting this Country, the Enemy the
“ French have been as industriously employed in Works of War,
“ *in taking Possession of it.* It is not therefore enough that we
“ have settled and planted this Country, *we must possess it,* or we
“ shall be found to have settled and planted it for the *French.*

“ **HIS MAJESTY**, whose gracious Protection is, under Heaven,
“ our best Security, is pleased to send over here, to assist us in
“ this Work of possessing our Country, a very great and power-
“ ful Body of Forces, both by Sea and Land, requiring only of
“ us, that we should aid and assist this Service with our Provincial
“ Troops. Let us therefore, in Gratitude and Obedience to his
“ Majesty, in Gratitude and Affection to our Mother Country,
“ in Duty to ourselves, and the good People of this Land, en-
“ gage and co-operate in this Service, not grudgingly as though
“ forced to it, but as in our own Cause, with all our Spirit and
“ Abilities: Not waiting to see what others will do, and mea-
“ suring our Service by Quotas, but by the Importance of the
“ Objects, and what we ought to do.

“ The Enemy, by our unfortunate Situation, is at our very Doors,
“ at the Head of all our Waters, ready to come down upon us.
“ 'Tis therefore absolutely necessary, that there be kept up a con-
“ stant and vigilant Defence upon our Frontiers: I can add
“ Nothing on that Subject to what I recommended to you last
“ Sessions. When I shall know how his Majesty's Regular
“ Troops are disposed of, I shall be able to judge what more par-
“ ticular Measures may be necessary for me to take, within my
“ own Command of this Province.

“ During the Recess of the General Court, in Obedience to
“ his Majesty's Instructions, I met his Excellency the Earl of
“ *Loudoun*, at *Hartford*, on *February 24th.* His Lordship was
“ pleased to acquaint me, what Aid of Soldiers he must require
“ of this Province; and further, which I cannot but hope will
“ be a great Encouragement to our People, to express his In-
“ tention of employing their Service to the Eastward; the
“ Particulars I shall direct the Secretary to lay before you.

Gentlemen of the House of Representatives,

“ I have directed the Treasurer to lay before you the State of
“ the Treasury; and I must recommend it to you to Supply
“ the same, according to the Necessities and several Exigencies
“ of

“ of this Government : and in a more particular Manner, I do
 “ hope, that you will make Provision for a suitable Body of
 “ Forces to co-operate in Aid and Assistance of his Majesty’s
 “ Regular Troops to the *Eastward*.

“ That you will appropriate a Sum sufficient for the Defence
 “ of the immediate Frontiers of this Province :

“ That you will make also a sufficient Establishment and Pro-
 “ vision for the Ship of War *King George* ; which I propose to
 “ fit out for Cruizing without Delay, for the Protection of the
 “ Trade and Fishery of this Province.

Gentlemen of the Council and House of Representatives,

“ It seems that the Legislatures of the several Provinces and
 “ Colonies of this Northern Part of *America*, wait to give us the
 “ Lead, and look to us for an Example. Perhaps it were better,
 “ as it would save Delay, if every Assembly had met at one Time,
 “ and no one waited to make Precedents of the other ; how-
 “ ever, exhausted as this Province is, by alway standing foremost
 “ in his Majesty’s Service, we shall not, I trust, be the first to desert
 “ the Honour of his Majesty’s Arms, and the just Cause of our
 “ Country : But that we shall still be an Example of Vigour and
 “ Dispatch.

March 2. 1758.

T. POWNALL.

His Excellency’s SPEECH foregoing was again ; and
Ordered, That the same be taken under Consideration at ten
 o’Clock to Morrow Morning.

[insert read]

Mr. Secretary *Oliver* brought down the Papers referred to in
 his Excellency’s SPEECH, and laid the same on the Table :
 Which were read, and the Consideration thereof referred to the
 same Time.

Mr. Speaker communicated to the House, a Letter he had re-
 ceived from Mr. Agent *Bollan*, in the Recess of the Court.

Papers com-
 municated.

The said Letter dated *Lisle-Street, October 1st 1757.* was read,
 together with the several Papers accompanying the same.

A Memorial of Capt. *Benjamin Hallowell*, Commander of the
 Province Ship of War *King George*, praying, that the Wages of
 the Chirurgeon allowed for said Ship may be augmented, as the
 Gentleman who acted in that Capacity the last Year, otherwise
 declines continuing any longer in the Service ; nor can he procure
 any Person capable of that Trust to engage therein, unless the
 Pay be encreased ; and further praying, that an Establishment
 may be made for a Sail-maker, which he apprehends to be ab-
 solutely necessary for the Service, and what may be done with-
 out any additional Charge to the Province.

Memorial of
 Capt. *Benja-
 min Hallowell*.

Read and *Ordered*, That the Consideration of this Memorial
 be referred, till an Establishment for the said Ship be taken into
 Consideration.

Then the House adjourn’d till to Morrow Morning Ten o’Clock.

Veneris

Veneris 3. Die Martii, A. D. 1758.

Report of
Commissioners brought
down.

Robert Hooper, Esq; brought down the Report of the Commissioners chosen to confer with Commissioners from the other *New-England* Governments. Signed *Thomas Hutchinson*, in the Name of the Commissioners.

In Council *March 3d 1758.* Read and sent down.

State of Ap-
propriations
communicated.

Read, together with the Papers accompanying the same.

Mr. Speaker communicated to the House, a State of the several Appropriations, which he received from Mr. Treasurer *Gray*.

Read and Ordered, That Mr. *Tyng*, Mr. *Flucker*, and Capt. *Livermore*, be a Committee to examine the same, confer with the Treasurer, and Report thereon, as soon as may be.

Debate on
his Excellency's
Speech.

The House, according to the Order of the Day, took under Consideration his Excellency's SPEECH to the two Houses; which was read again, together with the Papers therein referred to: and after a Debate, the further Consideration thereof was referred, till the Afternoon.

Post Meridiem.

Petition of
Francis Miusse
&c. brought
down.

James Minot, Esq; brought down a Petition of *Francis Miusse*, and *John Miusse*, praying, that their difficult Circumstances for want of a comfortable House to live in, may be considered, nothing having been done for their Relief in that Respect, since the Order of Court passed on their Petitions presented the last Sessions, and that such Relief may be afforded them as shall be judged proper.

In Council *March 3d 1758.* Read and sent down.

Read and Ordered, That the Petition lie on the Table.

Petition of
Lydia Harvey.

A Petition of *Lydia Harvey*, Administratrix of the Estate of *Ephraim Harvey*, late of *Taunton*, in the County of *Bristol*, deceased, setting forth, that the said *Ephraim* died whilst in the Service on the last *Crown-Point* Expedition, and left a small Real Estate lying in said Town, Part of which must be sold to discharge the Debts due from him, his Personal Estate not being sufficient for that End; and praying, that she may be allowed to sell about eighteen Acres of unimproved Lands belonging to said Estate, the Proceeds thereof to be applied to the Payment of the said Deceased's just Debts.

Order
thereon.

Read and Ordered, That the Prayer of this Petition be granted; and that the Petitioner be, and she hereby is, impowered (in her said Capacity of Administratrix) to make Sale of the Lands mentioned, for the most the same will fetch, and to make and execute a good and sufficient Deed or Deeds thereof to the Person or Persons who shall appear to give most for the same, she observing the Directions of the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient Caution to the Judge of Probate &c. for the County of *Bristol*, that the Overplus arising by said Sale (if any be) after paying the Deceased's just Debts, shall be distributed agreeable to Law.

Sent up for Concurrence.

A

A Petition of *Samuel White*, Esq; and *William Wood*, Agents for the Proprietors of a certain Neck of Land, called the *Horse-Neck*, lying in *Dartmouth*, in the County of *Bristol*, setting forth, that at the last Inferiour Court held at *Taunton* for said County, one *John Sowle*, brought his Action against the said Proprietors for fundry Services and Disbursements, who apprehending the Demand unreasonable, chose an Agent to defend them in said Action ; but by Reason of a Mistake made by them in calling their Meeting for Choice of said Agent, his Appearance was disallowed by said Court, and Judgment was given against them on Default for the Sum demanded, and Execution awarded thereon ; and praying, that they may be allowed a Re-hearing on the Merits of said Action.

Petition of
Samuel White,
Esq; &c.

Read and Ordered, That Mr. *Flucker*, Col. *Quincy*, and Mr. *Morey*, be a Committee to take this Petition under Consideration, and Report thereon.

Order
thereon.

James Minot, Esq; brought down a Bill Intituled, *An Act in Addition to the Act Intituled, An Act for granting unto his Majesty an Excise upon Spirits distilled and Wine, and upon Limes, Lemmons and Oranges*

Bill bro't
down &c

Pass'd in Council, viz. In Council March 3d 1758.

Read a first and second Time, and pass'd to be Engross'd.

Sent down for Concurrence.

Read a first Time ; and Ordered, That the Bill have a second Reading at ten o'Clock to Morrow Morning.

The Committee appointed on Mr. Treasurer *Gray's* State of the Appropriations, made a verbal Report thereon.

Report on
Appropriations.

The House then proceeded in their Consideration of his Excellency's Speech, and a further Debate being had thereon, the Consideration thereof was again referred.

Debate on
Gov. Speech

Whereas the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas, are by Law appointed to be held at Plymouth, for the County of Plymouth, on the first Tuesday of March Current, and divers of the Justices of said Courts, and divers other Persons who are concerned in Business there, are Members of this Court, and the very important Affairs of the Province now depending require their Attendance :

Adjourn-
ment of Ply-
mouth Court.

Wherefore,

Ordered, That the said Court of General Sessions of the Peace, and Inferiour Court of Common Pleas, which by Law are to be holden at Plymouth aforesaid, be and hereby are Adjourned to the first Tuesday of April next, to be held at the Court-House in the said Town of Plymouth, at ten of the Clock in the Forenoon of said Day ; and all Pleas, Writts, Actions, Suits, Complaints, Processes, Precepts, Recognizances, and other Thing and Things whatsoever, returnable, and having Day or Days in the said Courts, shall stand, abide and continue unto the said Adjournment, and be held, deemed and adjudged to be as good, effectual and available in Law, to all Intents and Purposes whatsoever, as if such Courts

had been held and kept on the Day by Law for holding the same, and no Adjournment thereof had been made.

Sent up for Concurrence.

Vote relating to the Superiour Court.

Voted, That the Justices of the Superiour Court, Court of Assize and General Goal Delivery, now holden at *Boston* for the County of *Suffolk*, be desired to Adjourn the said Court to some future Day, that so the Members of said Court who belong to the General Court, may attend the important Affairs of the Public now lying before them.

Sent up for Concurrence.

Then the House adjourn'd till to Morrow Morning Ten o'Clock.

Sabbati 4. Die Martii, A. D. 1758.

Report on a Bill.

A Bill Intituled, *An Act in Addition to the Act Intituled, An Act for granting unto his Majesty an Excise upon Spirits distilled and Wine, and upon Limes, Lemmons and Oranges.*

Read a second Time, and *Ordered*, That the Bill have a third Reading on Tuesday next, at three o'Clock Afternoon.

Vote on Governor's Speech.

The House Re-assumed the Consideration of his Excellency's Speech ; which was read again, together with the Papers referred to therein : And

On a Motion made and seconded, *Voted*, That inasmuch as Matters of the greatest Consequence to the Province are proposed therein, and many of the Members not as yet come to the House, the further Consideration thereof be referred till Tuesday next, three o'Clock Afternoon.

Report on Petition of John Savage.

The Committee appointed on Petitions from sick and wounded Soldiers, Reported on the Petition of *John Savage* : Which was read, and the Report accepted ; and

Resolved, That there be allowed and paid out of the public Treasury to the Petitioner, *thirty six Shillings*, in Consideration of his Expences in his Sickness, whilst in the Service on the last *Crown-Point* Expedition, as mentioned.

Sent up for Concurrence.

Petition of Jonathan Jordan.

A Petition of *Jonathan Jordan* of *Stoughton*, in the County of *Suffolk*, praying an Allowance of what he received short of the Wages due to his Son *Samuel Jordan*, on the last *Crown-Point* Expedition, and of the Expence he was at in sending a Person to bring him home from a Place called the *Half-Moon*, where he then lay sick, and afterwards died.

Petition of Simeon Tupper.

A Petition of *Simeon Tupper*, of said Town of *Stoughton*, praying, that a Mistake made in the Wages due to him as a Soldier in the Service on the said Expedition may be rectified, and he allowed to receive the Balance due to him thereon. Also,

Petition of Elizabeth Clark.

A Petition of *Elizabeth Clark*, Widow of *Joseph Clark*, late of *Mendon*, in said County, deceased, praying, that she may be allowed the half Pay her said Husband was entitled to, on his Re-enlisting into the Service on the said Expedition, which was omitted

mitted in the Muster-Roll ; and the *four Pounds* deducted from the Wages due to her Son *Joseph Clark*, Junr. a Soldier in said Service, (he having returned his Arms, as appears by a Certificate annexed ;) with a further Allowance of her Expences in sending a Person to bring her said Husband and Son home, who were sick at a Place called the *Green-Bush*.

[Place]

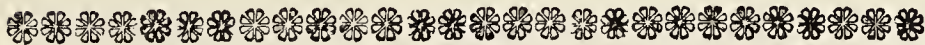
Read and *Ordered*, That Capt. *Brown*, Mr. *Bailey*, and Mr. *Witt*, be a Committee to take the said Petitions under Consideration, and Report thereon respectively.

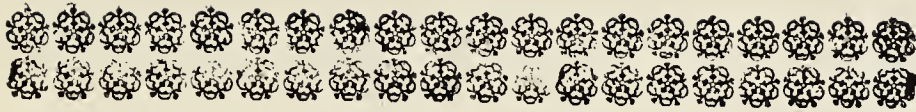
A Petition of *Joshua Bailey*, and others, Inhabitants of the second Precinct in the Town of *Newbury*, in the County of *Essex*,
Petition of
Joshua Bailey.
 setting forth, that they living in the westerly Part of said Precinct, are (some of them) situated nearer to the Place of public Worship in the fourth Precinct in said Town (where they have chiefly attended for many Years past) than to that in the second, and at the same Time are accommodated with a much better Road, that to the said second Precinct Meeting-House being very difficult to pass, the greatest Part of the Year ; that, by a Vote of the said second Precinct, they are about to remove their Meeting-House near half a Mile further from them, which will still more incommode them ; therefore praying, that they, with their Estates, may be annexed to the said fourth Precinct, there to do Duty, and enjoy Privilege.

Read and *Ordered*, That the Petitioners notify the second Precinct in *Newbury* of this Petition, by leaving an attested Copy thereof with the Clerk of said Precinct or Parish, that they shew Cause, if any they have, on the last Thursday of *March* Current, if the Court be then Sitting, if not, on the second Thursday of the next *May* Sessions, why the Prayer thereof should not be granted.

Sent up for Concurrence.

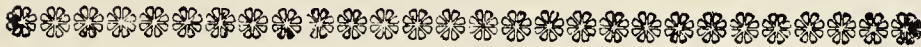
Then the House adjourn'd till Tuesday next Ten o'Clock in the Forenoon.





V O T E S

Of the House of Representatives.



March 7. Die Martii, A. D. 1758.

THE House met, and Adjourn'd till three o'Clock Afternoon.

Post Meridiem.

A Bill Intituled, *An Act in Addition to the Act, Intituled An Act* Bill read.
for granting unto his Majesty an Excise upon Spirits distilled and
Wine, and upon Limes, Lemons and Oranges. Read a third Time.

And Ordered, That the Bill be committed to Col. Ruggles, to
bring in a Clause for the Amendment proposed.

The House, according to the Order of the Day, Re-assumed Debate and
the Consideration of his Excellency's SPEECH ; Which was Vote on
read again ; together with the Papers referred to therein : And Gov. Speech
after a large Debate thereon ;

Voted, That the further Consideration thereof be referred 'till
ten o'Clock to Morrow Morning.

Then the House Adjourn'd till to Morrow Morning ten o'Clock.

Mercurii 8. Die Martii, A. D. 1758.

THE House Re-assumed the Consideration of his Excellency's Further De-
SPEECH : And after a further Debate thereon, the bate on Gov.
Consideration thereof was further referred. Speech.

A Petition of *Jonathan Low*, Executor of the last Testament Petition of
of *Jonathan Cogswell*, late of *Ipswich* in the County of *Essex*, Esq; *Jonath. Low.*
deceased, praying that he may be impowered to sell such Part
of the Out-Lands &c. belonging to said Deceased's Estate, as
shall be sufficient to pay what the Personal Estate left by him falls
short of discharging his just Debts.

Read and Ordered, That this Petition be committed to Col.
Hale, Mr. *Lancaster*, and Col. *Choate*, to consider and Report
thereon.

Gamaliel Bradford, Esq; brought down the Report of the Committee of both Houses, appointed the last *May* Sessions, to repair to the Treasurer's, and see the Government Securities in his Hands consumed to Ashes. A true Copy examined.

Attest. *John Osborne*, per Order.

In Council *March* 7th 1758. Read and sent down.

The said Report is as follows, viz

Boston, *Febr.* 17th 1758.

| | | | |
|--------|----|----|--|
| £. | s. | d. | |
| 47 | 1 | 4 | Received of Mr. Treasurer Gray, a Government Security for Forty two Pounds payable the 1st of December 1756, which with the Interest of Five Pounds one Shilling & four Pence, makes Forty seven Pounds one Shilling & four Pence ; also Government Securities payable the 10th of May 1756, amounting to One Hundred and fifty Pounds six Shillings & eight Pence, which with the Interest of Twenty Pounds fourteen Shillings, amount to One Hundred seventy one Pounds & eight Pence ; also Government Securities that were redeemable the 1st of January 1757, amounting to One Thousand nine Hundred eighty Pounds six Shillings and six Pence, which with the Interest of Two Hundred and twenty nine Pounds two Shillings & eleven Pence, make the Sum of Two Thousand two Hundred and nine Pounds nine Shillings & five Pence ; also Government Securities that became due the 2d of June 1757, amounting to Three Hundred thirty two Pounds seven Shillings and nine Pence, which with the Interest of Twenty six Pounds ten Shillings and one Penny, amount to Three Hundred fifty eight Pounds seventeen Shillings & ten Pence ; also Government Securities that were due the 1st of June 1757, amounting to Four Thousand sixty nine Pounds eighteen Shillings & four Pence, which with the Interest of Three Hundred seventy six Pounds sixteen Shillings & five Pence, makes the Sum of Four Thousand four Hundred forty six Pounds fourteen Shillings & nine pence ; also Government Securities payable the 10th June 1757, amounting to Fourteen Thousand two Hundred forty five Pounds fifteen Shillings and two Pence, which with the Interest of Twelve Hundred eighty eight Pounds twelve Shillings and nine Pence, amount to Fifteen Thousand five Hundred thirty four Pounds seven Shillings & eleven Pence ; also Government Securities that were payable the 30th June 1757, amounting to Two Thousand six Hundred forty three Pounds eight Shillings & five Pence ; which with the Interest of One Hundred and ninety six Pounds nineteen Shillings & four Pence, make Two Thousand eight Hundred & forty Pounds seven Shillings & nine Pence : All which Securities, with the Interest thereon, amount to Twenty five Thousand six Hundred & seven Pounds nineteen Shillings and eight Pence ; We have seen burnt and consumed to Ashes. |
| 15,534 | 7 | 11 | |
| 2,840 | 7 | 9 | |
| 25,607 | 19 | 8 | |

Read and Resolved, That this Report be accepted ; and that the Treasurer be discharged of the several Sums mentioned, amounting to *Twenty five Thousand six Hundred and seven Pounds, nineteen Shillings and eight Pence*, accordingly.

Sent up for Concurrence.

James

James Minot, Esq; brought down the Report of the Committee appointed to farm out the Duties of Excise on Tea, Coffee, and China-Ware in the County of *Plymouth*, for the Year Current. Report on Plymouth Excise, bro't down.

Signed *Gamaliel Bradford*, per Order.

In Council *March* 8th 1758. Read and sent down.

Read and accepted; and *Resolved*, That there be allowed and paid out of the public Treasury the Sum of *Twenty eight Shillings and eight Pence*, to the said Committee in discharge of their Account of Time and Expences exhibited.

Sent up for Concurrence.

Richard Cutt, Esq; brought down a Petition of *Jonathan White*, and others, Inhabitants of *Leominster*, praying that they may be made a separate Precinct, under the Pastoral Care of the Reverend Mr. *John Rogers*, whose Dismission they apprehend to be irregular and illegal. Petition of Jonath. White &c. bro't down.

Pass'd in Council, *viz.* In Council *March* 4th 1758. Read and *Ordered*, That the Petitioner notify the Town of *Leominster* of this Petition, by leaving an attested Copy thereof with their Clerk, that they shew Cause, if any they have, on Wednesday the 15th Instant, why the Prayer thereof should not be granted.

Sent down for Concurrence.

Read and non-concurr'd. And

Ordered, That the Petition be dismiss'd.

Sent up for Concurrence.

A Petition of *Elisha Fuller* of *Newton*, in the County of *Middlesex*, setting forth, that he is situated near the Centre of said Town; and there being no public House near, to entertain the People at when convened on public Occasions, he has been applied to by the Military Officers and Select-Men of said Town, to afford them Entertainment at such Times, but that he cannot do it without being Licenced agreeable to Law; therefore praying, that the Court of Sessions may be allowed to grant him a Licence for that Purpose only. Petition of Elisha Fuller

Read and *Ordered*, That the Prayer of this Petition be granted; and that the Justices of the Court of General Sessions of the Peace for the County of *Middlesex* be, and hereby are, impowered, at their next Term, to grant the Petitioner a Licence (if they see fit) to keep an House of public Entertainment on Training Days, and other public Days in said Town, the Time for granting Licences being elapsed notwithstanding. Order thereon.

Sent up for Concurrence.

On a Motion made and seconded, *Voted*, That the House proceed to the Choice of Collectors of the Duties of Excise on spirituous Liquors in the several Counties thro' the Province on Thursday the 16th Instant, at ten o'Clock in the Forenoon. Vote on Choice of Collectors.

The Committee appointed the last *May* Sessions, to examine the Commissary-General's Accounts for three Years past, having attended that Service; Reported, That, on examining his Account Report on Commissary General's Accounts.

count of Specie from *May 1754*, to *May 1755*, they find, That there then remained due to the Province fifty six Barrels of Pork and fifty two Bushels of Pease, which *John Wheelwright, Esq;* Commissary-General is further to account for in his next Account of Specie.

Read and Ordered, That this Report be accepted.

Sent up for Concurrence.

On Examination of his Account of the Indian Trade, from *May 1754*, to *May 1755*, the Committee Reported, That they find the Balance then due from *John Wheelwright, Esq;* the Officer for managing the Indian Trade, which he is further to account for, to be *Thirty one Thousand and four Pounds nine Shillings & two Pence*, old Tenor, equal to *Four Thousand one Hundred and thirty three Pounds eighteen Shillings & seven pence*, Lawful Money.

Read and Ordered, That this Report be accepted.

Sent up for Concurrence.

On his Accounts of Disbursements from *May 1754*, to *May 1755*, The Committee Reported, That having examined said Accounts, they find the same right cast and well vouched, and that the said Mr. *Wheelwright* had disbursed for his Majesty's Service the Sum of *Ninety three Thousand two Hundred & nine Pounds, fifteen Shillings & five pence*, and that he had received of the Province Treasurer per Warrants, in Part thereof, with several Articles sold, belonging to the Province, amounting to *Eighty seven Thousand six Hundred sixty two Pounds one Shilling and eight Pence*, to the 31st *May 1755*, That there was therefore due from the Province to the said *Wheelwright*, for the Balance thereof, *Five Thousand five Hundred and forty seven Pounds thirteen Shillings and nine pence*, old Tenor, equal to *Seven Hundred and thirty nine Pounds thirteen Shillings & ten pence*, Lawful Money.

Read and Ordered, That the foregoing Report be accepted.

Sent up for Concurrence.

The Committee further Reported, That they had examined his Account of Specie from *May 1755*, to *May 1756*, and find, That there then remained due to the Province, fifty Barrels of Pork, and one Hundred and fifty Bushels of Pease, which *John Wheelwright, Esq;* Commissary-General is further to account for, in his next Account of Specie.

Read and Ordered, That this Report be accepted.

Sent up for Concurrence.

On examining his Indian Trade Account from *May 1755*, to *May 1756*, The Committee Reported, That they find the Balance due from *John Wheelwright, Esq;* the Officer for managing the Indian Trade, which he is further to account for, is *Nine Hundred and twenty four Pounds nineteen Shillings & eight pence*, Lawful Money.

Read and accepted, and Ordered, That the said *John Wheelwright, Esq;* further account for said Sum accordingly.

Sent up for Concurrence.

On

On his Account of Disbursements from *May 1755*, to *May 1756*, The Committee Reported, That having examined the said Accounts, they find the same right cast, and well vouched, and that the Balance of *Twenty nine Pounds one Shilling & ten Pence*, Lawful Money, was then due to the said *Wheelwright* from the Province.

Read and Ordered, That this Report be accepted.

Sent up for Concurrence.

The Committee also Reported, That they had examined his Account of Specie from *May 1756*, to *May 1757*, and find, That there remains due to the Province one hundred seventy four Barrels of Pork, and ninety and an half Bushels of Pease, which *John Wheelwright, Esq;* Commissary-General is further to account for in his next Account of Specie.

Read and accepted, and Ordered, That the said *John Wheelwright, Esq;* be further accountable accordingly.

Sent up for Concurrence.

And on his Account of Disbursements from *May 31st 1756*, to *May 31st 1757*, The Committee Reported, That having examined the said Accounts, they find the same right cast and well vouched, and that the Balance of *Six Hundred & forty nine Pounds ten Shillings & four Pence*, Lawful Money, is due to the Province from the said *Wheelwright*.

Read and Ordered, That the foregoing Report be accepted, and that the said *John Wheelwright, Esq;* Commissary-General be further accountable to the Province for the said Balance of *Six Hundred & forty nine Pounds ten Shillings & four Pence*, accordingly.

Sent up for Concurrence.

Ordered, That *James Russell, Esq;* Col. *Quincy*, Mr. *Flucker*, Mr. *Witt*, and Col. *Buckminster*, be a Committee to repair to the Commissary-Generals; inspect the Goods purchased for the Indian Trade, and returned into his Store, and Report what they judge proper to be done thereon.

Committee
to repair to
the Com-
missary-Ge-
neral's, &c.

A Petition of *Elizabeth Brooks* of *Woburn*, in the County of *Middlesex*, Widow, shewing that her late Husband being a Retailer of spirituous Liquors in said Town, had provided a considerable Stock for carrying on said Business, which, since his Decease, is continually wasting; therefore praying, that the Court of Sessions for said County may be impowered to Licence her to carry on the same Business as was heretofore done by her late Husband.

Petition of
Eliz. Brooks.

Read and Ordered, That the Prayer of this Petition be granted; and that the Justices of the Court of General Sessions of the Peace for the County of *Middlesex*, be and hereby are impowered, at their next Term, to grant the Petitioner a Licence (if they see fit) to be a Retailer of spirituous Liquors in the Town of *Woburn*, she first obtaining the Approbation of the Select-Men of said Town, the Time for granting Licences being elapsed notwithstanding.

Sent up for Concurrence.

P p p p

A

Petition of
Nath. Bailey.

A Petition of *Nathanael Bailey* of *Glocester*, in the County of *Essex*, setting forth, that he was at great Trouble and Expence in inlisting Men into the Service on the last *Crown-Point* Expedition, in Expectation of receiving a Captain's Commission therein, in which Case his Pay would have been an Equivalent therefor, but instead thereof he received a first Lieutenant's Commission only, whose Pay was no more than that of a second Lieutenant's ; and praying, the Consideration of this Court, and such an Allowance for his said Services and Expences as shall be judged meet.

Read, and the Question being put,

Whether it be the Mind of the House, That the Petition should be sustained ? It pass'd in the Negative.

Petition of
Cornel. Sturtevant &c.

A Petition of *Cornelius Sturtevant* and *Jonathan Tilson*, Guardians to *Seth* and *James Eaton*, Minor Children of *Benjamin Eaton*, late of *Kingston*, in the County of *Plymouth*, deceased, setting forth, that the said Minors have each of them about six or seven Acres of Land (lying in several Pieces) sett off to them out of the said Deceased's Estate, which being very inconvenient for Improvement, and without Fence, bring in no Income at present, nor are ever like to be of Advantage for Improvement should the said Minors arrive at Age ; therefore praying, that they may be empowered to sell the same, the Money arising thereby, to be improved at Interest for the Benefit of said Minors.

Read and Ordered, That *Major Reed*, *Mr. Keen*, and *Mr. Goldthwait*, be a Committee to take this Petition under Consideration, and Report thereon.

Order on
Petition of
Francis Miusse
&c.

The Petition of *Francis Miusse*, and *John Miusse*, as enter'd the 3d Instant was Read again ; and,

Ordered, That *Col. Jones*, *Capt. Livermore*, and *Mr. Paine*, be a Committee to take the same under Consideration, and Report thereon.

Committee
directed.

Ordered, That the Committee appointed, the last Sessions, to consider of some Method for easing the Province of the Charge of supporting the *French* Inhabitants of *Nova-Scotia* now here, be directed to set forthwith, and Report as soon as may be.

Committee
relating to
Apprentices.

On a Motion made and seconded, Ordered, That *Col. Choate*, *Mr. Prat*, and *Col. White*, be a Committee to prepare and bring in a Bill for the Relief of Apprentices, when ill treated by their Masters.

Petition of
John Smith.

A Petition of *John Smith* of *Scituate*, in the County of *Plymouth*, setting forth, that he has been engaged in the Service for three Years successively near *Lake-George*, that the last Year he had the Misfortune to loose his right Eye by the Small-Pox, which renders him unfit for the Service any longer, and less able to provide for his Support than formerly ; and praying, such an annual Pension may be allowed him as may be judged reasonable.

Read and Ordered, That *Mr. Lancaster*, *Major Reed*, and *Mr. Morey*, be a Committee to consider this Petition, and Report what they judge proper to be done thereon.

A Petition of *Phineas Wheelock* of *Lunenburg*, in the County of *Worcester*, shewing, that he was in the Service on the Expedition to the River *Kennebeck*, and the two Expeditions towards *Crown-Point*, and the last Spring Re-inlisted in the Provincial Troops under his Excellency the Earl of *Loudoun*, but the Circumstances of his Family not permitting him to proceed therein, he hired a Man in his Room, to the Acceptance of the Muster-Master, notwithstanding which, he was not released until he had returned to his Colonel the ten Dollars Bounty he received on his Inlistment, which he apprehends he is justly entitled to ; and praying that he may be allowed the same out of the public Treasury.

Petition of
Phin. Wheelock.

Read and Ordered, That Capt. *Brown*, Mr. *Marsh*, and Mr. *Humphry*, be a Committee to take this Petition under Consideration, and Report thereon.

Ordered, That Mr. *Tyng*, Capt. *Stevens*, Mr. *Foster*, Mr. *Goldthwait*, and Col. *Quincy*, be a Committee to prepare an Establishment for Officers and Seamen to be employed in the Service on Board the Province Ship of War *King-George*, and Report : And that the Memorial of Capt. *Benjamin Hallorwell*, as entred the 2d Instant, be committed to the said Committee.

Committee
for an Establishment.

Post Meridiem.

A Petition of Mr. *Jazaniah Tucker* of *Milton* in the County of *Suffolk*, praying, that the Inhabitants of said Town may be enabled to raise Money by a Town-Tax for Encouragement of Persons to enter into the Service when demanded, as they shall judge expedient.

Petition of
Mr. *Jazaniah Tucker.*

Read, and Ordered, That the Petition lie on the Table.

Ordered, That Col. *Choate*, Col. *Fowle*, and Col. *Williams*, be a Committee to make Enquiry relative to the *two Shillings* Sterling per Week, which his Excellency the Earl of *Loudoun* was pleased to promise (when in *Boston*) towards Billetting the Soldiers raised by this Government under his Lordship's Command ; and the Charge accruing to the Province by the Detention of the Flag of Truce from *Louisbourg*, the last Year, at his Lordship's Desire and Report.

Committee
for Enquiry.

A Petition of *Daniel Nash*, and others, Select-Men of the District of *South-Hadley*, in the County of *Hampshire*, setting forth, that the Constables chosen the last Year, and to whom their Lists of Assessments have been committed for Collection, have been for some Time past rendered unable to act in their Office by Reason of Sickness ; and their last District Meeting, and their next annual Meeting have been, for that Reason, warned by the Select-Men ; therefore praying, that their Proceedings, in other Respects legal, may be confirmed and established, the said Meetings not having been warned by a Constable notwithstanding ; and that they may be empowered to chuse Collectors of their Taxes, in the Room of those that are sick.

Petition of
Dan. Nash,
&c.

Read

Read and *Ordered*, That Mr. *Pierce*, Capt. *Williams*, and Capt. *Brown*, be a Committee to consider this Petition, and make Provision by a proper Resolve, for remedying the Inconveniences the Inhabitants of said District are under, and Report.

Petition of
John Sears.

A Petition of *John Sears*, Guardian to *Jonathan* and *Elizabeth Sears*, Minor Children of *Jonathan Sears*, late of *Harwich*, in the County of *Barnstable*, deceased, shewing, that the said Deceased bequeathed them by his last Testament (among other Things,) two Thirds of about three Acres of Land, and a small Dwelling House thereon, now falling to Decay, and of about half an Acre more near adjoining ; that the same lies in Common with others and undivided, and can't be improved to the Advantage of said Minors ; and praying, that he may be empowered to sell the same, the Money arising thereby to be improved for their Benefit.

Read and *Ordered*, That this Petition be committed to Mr. *Bacon*, Capt. *Waldo*, and Major *Reed*, to consider, and Report thereon.

Petition of
Beatrice Nelson.

A Petition of *Beatrice Nelson*, Administratrix of the Estate of *George Nelson*, late of *Brimfield*, in the County of *Hampshire*, deceased, setting forth, that the said *George*, did in his Life-time, sell about two Acres of Meadow Land to one *Nicholas Groves*, and gave him a Pledge Note for double the Price of the Land, to make him a Conveyance thereof, which Note he is about putting in Suit, unless the said Land be secured to him, whereby much Damage is like to accrue to said Estate ; and praying, that she may be empowered to make a legal Conveyance of the Premises to the said *Groves* ; and also to sell the remaining Part of the Real Estate of the said Deceased, in order to discharge his just Debts, which amount to so much more than his Personal Estate will enable her to pay, that the Remainder (after selling sufficient for that End) will probably be of very little Benefit to the Heirs.

Read and *Ordered*, That this Petition be committed to Capt. *Howard*, Capt. *Johnson*, and Capt. *Benjamin Milliken*, to consider, and Report thereon.

Message to
the Board.

On a Motion made and seconded, *Ordered*, That Capt. *Brown* go up with a Message to the honourable Board, to desire that the Establishment passed the House the last Sessions, for those of the Militia, who marched for the Relief of Fort *William-Henry* on the late Alarm, may be sent down.

Who returned, That he had delivered the Message.

Committee
for an Estab-
lishment.

Joseph Pyncheon, Esq; brought down the said Establishment, and laid the same on the Table accordingly. Thereupon.

Ordered, That Capt. *Livermore*, Col. *White*, and Mr. *Paine*, be a Committee to prepare an Establishment for Pay & Subsistence of Officers and Soldiers of the Militia that marched the last Summer for the Relief of Fort *William-Henry*, and Report.

Committee
to wait on
the Gov.

On a Motion made and seconded, *Voted*, That Col. *Choate*, Judge *Russell*, and Col. *Williams*, with such as the honourable Board

Board shall appoint, be a Committee to wait upon his Excellency, to desire him to apply to his Excellency the Right Hon. the Earl of *Loudoun*, for an Allowance for Billetting those of the Militia who marched the last Summer for the Relief of Fort *William-Henry*, when attacked by the Enemy. Sent up for Concurrence.

James Bowdoin, Esq; brought down the Petition of *Elisba Fuller*. Pass'd in Council, viz. In Council March 8th 1758. Petition of *Elisba Fuller*, bro't down.

Read and concur'd with the Amendment at A.

Sent down for Concurrence. Read and concur'd.

On a Motion made and seconded, *Ordered*, That Mr. *Flucker*, Col. *Williams*, Judge *Russell*, and Col. *Hale*, be a Committee to project a Scheme for a State-Lottery, and Report.

Then the House adjourn'd till to Morrow Morning ten o'Clock.

Jovis 9. Die Martii, A. D. 1758.

A Petition of *William Snow* of *Rocheſter*, in the County of *Plymouth*, praying, that the Stoppage of Part of the Wages due to him as a Soldier in the Service in 1756, may be taken off, and he be allowed, to receive his whole Pay, he having left his Arms at a Place called the *Half-Moon*, to the Care of an Officer appointed to receive the same. Petition of *Wm. Snow*.

Read and *Ordered*, That the Treasurer be directed to pay the Petitioner the four Pounds, stopped out of his Wages due on the last *Crown-Point* Expedition on Account of his Arms not being returned. Sent up for Concurrence.

A Petition of *Nathan Hoskins* of *Middleboro'*, in the County of *Plymouth*, praying an Allowance of his Expences occasioned by the Sickness and Death of his Servant *Joseph Sollard*, a Soldier in the Service on the last *Crown-Point* Expedition, on his Return from the Army. Petition of *Nathan Hoskins*.

Read and *Ordered*, That Mr. *Foster*, Col. *Nichols*, and Capt. *Johnson*, be a Committee to take this Petition under Consideration, and Report thereon.

A Petition of *William Wyer* of *Charlestown*, in the County of *Middlesex*, setting forth, that he enlisted in the Service the last Year on Board the Province Ship of War *King-George*, as a Sail-maker, and received a Warrant from the honourable his Majesty's Council accordingly; in Consequence whereof he took Care of the Stores and performed the Duty of a Sail-maker on Board said Ship as there was Occasion; and praying an Allowance for his Services, as shall be judged reasonable, there being no Provision made for such an Officer on Board said Ship, the last Year. Petition of *Wm. Wyer*.

Read and *Ordered*, That this Petition be committed to the Committee appointed to prepare an Establishment for the Ship *King-George*, to make Enquiry, consider the Petition, and Report thereon.

Petition of *Samuel Poole*. A Petition of *Samuel Poole* of *Lunenburg*, in the County of *Worcester*, praying an Allowance of his Expences in hiring a Horse to bring himself home, when taken Sick on his Return from the first Expedition against *Crown-Point*, in keeping him and afterwards returning him to the Owner, the Charge whereof was omitted in his Petition formerly presented to the General Court.

Read, and the Question being put,

Whether it be the Mind of the House, that the Petition should be sustained? It pass'd in the Negative.

Petition of *John Chandler* Junr. Esq; A Petition of *John Chandler*, Jun. Esq; Administrator of the Estate of *William Johnson* late of *Worcester*, deceased, praying that he may be empowered to make Sale of the Real Estate of the said Deceased in order to his discharging the Debts due thereon, as far as the Proceeds thereof will go, the said Estate being rendered Insolvent.

Read and Ordered, That Mr. *Paine*, prepare the Draught of a proper Vote to be pass'd this Court for granting the Prayer of the Petition, and Report.

Petition of *David Osgood*, &c. A Petition of *David Osgood* and others, Proprietors of a Place called *Road-Town* in the County of *Hampshire*, setting forth, that about one half only of the Settlers have complied with the Conditions of their Grant from the General Court, altho' the Time limited has been elapsed for several Years; that the Non-settling Proprietors have not only paid the Settlers the Sums agreed on, but have all along paid their Proportion of Taxes with them to all public Charges, which they ought to have been freed from; and praying, that their Case may be taken into Consideration, and they exempted from all further Taxes in said Place, or otherwise relieved in such Manner as shall be judged proper.

Read and Ordered, That Col. *Worthington*, Col. *Osgood*, and Capt. *Sprague*, be a Committee to consider this Petition, and Report what they judge proper to be done thereon: And that the said Committee consider of some proper Method for assessing and collecting the Province and County Taxes in said Place and in *Narraganset* Numb. 2. and Report.

Report on Petition of *Jona. Low*. The Committee appointed on the Petition of *Jonathan Low*, Reported according to Order.

Read and accepted, and Ordered, That the Prayer of this Petition be granted; and that the Petitioner be, and hereby is allowed, in his said Capacity of Executor, to make Sale of so much of the Deceased's Estate as will amount to the Value of *One Hundred fifty two Pounds twelve Shillings & four Pence half Penny*, he observing the Law respecting the Sale of Real Estates, and giving Caution to the Judge of Probate for the County of *Essex*, that the Produce of said Sale be applyed for the Payment of the just Debts of the Deceased, the Overplus, if any there be, to be applied for the Benefit of the Heirs of the Deceased, according to Law.

Sent up for Concurrence.

John

John Cushing, Esq; brought down the Petition of *Jonathan White* and others, of *Leominster*. Pass'd in Council, viz. In Council Petition of *Jonath. White* bro't down. *March* 8th 1758. Read and non-concur'd, and the Board adhere to their own Vote. Sent down for Concurrence.

Read and non-concur'd ; and the House adhere to their own Vote. Sent up for Concurrence.

Gamaliel Bradford, Esq; brought down the Petition of *Thomas Foster*, Esq; as entred the 10th of *Decemb.* last, with the Papers accompanying the same. Pass'd in Council, viz. In Council Petition of *Tho Foster*, Esq, bro't down. *March* 9th 1758. Read again, together with the Answer of the Town of *Sandwich* ; and Ordered, That *James Minot*, Esq; with such as the honourable House shall join, be a Committee to take the Petition and Answer thereunto, under Consideration, and Report what they judge proper for the Court to do thereon.

Sent down for Concurrence.

Read and concur'd ; and Col. *White*, and Mr. *Bacon*, are joined in the Affair.

The Committee appointed on the Petition of *John Sears*, by Leave of the House, laid the same on the Table again, without Report : And Report on Petition of *John Sears*.

Ordered, That the said Petition lie on the Table for further Evidence.

Richard Cutt, Esq; brought down a Petition of *Samuel Adams*, and others, of *Westford*, praying, that they with their Estates, may be annexed to the first Precinct in *Dunstable*, they being much more conveniently situated to attend the public Worship there, than in the Town to which they belong : Pass'd in Council, viz. In Council *March* 9th 1758. Read and Ordered, That the Petitioners notify the Town of *Westford* of this Petition, by leaving an attested Copy thereof with their Clerk, that they shew Cause, if any they have, on the first Tuesday of the next *May* Session, why the Prayer thereof should not be granted. Petition of *Sam. Adams* &c. bro't down.

Sent down for Concurrence. Read and concur'd.

The House being informed, That *Solomon Whitney* and others, Subscribers to a Petition and Complaint against Capt. *Zedekiah Stone*, as entred the 2d of *January* last, and also the said Capt. *Stone*, were attending, with their Witnesses, agreeable to the Directions of the House : Thereupon the said Petition was read again, together with the Answer hereto, delivered in by Capt. *Stone*, and fundry other Papers accompanying the same : And The Petition of *Sol Whitney* &c. read again, and Order thereon.

Ordered, That Col. *Worthington*, *Caleb Cushing*, Esq; Mr. *Foster*, Mr. *Morey*, and Col. *Fowle*, be a Committee to take the Petition and Answer, under Consideration, hear the Parties, and Report thereon.

Caleb Cushing, Esq; Member for the Town of *Salisbury*, acquainted the House, That one *Mary Davis* of *Hampton-Falls*, had lately put into his Hands a small Sum in Bills of Credit on this Province, which she had had by her for some Years, supposing them to be *New-Hampshire* Bills, and desired him to move it to the Court, that the Treasurer might be allowed to exchange the same. Order on a Motion of *Caleb Cushing*, Esq;

Thereupon

Petition of
Eliz. Martin.

Thereupon, *Ordered*, That the Province Treasurer be, and he hereby is, directed to pay to *Caleb Cushing*, Esq; *three Pounds four Shillings*, for *six Pounds* New Tenor, in Bills of Credit on this Province in his Possession, he delivering to the said Treasurer the said Province Bills. Sent up for Concurrence.

A Petition of *Elizabeth Martin* of *Lunenburg*, in the County of *Worcester*, Widow of *John Martin*, Junr. deceased, setting forth, that the said *John* died seized of one Third Part of a Right in the Township of *Ipswich-Canada* (so called) ; that after her said Husband's Decease, (she not being able to perform the Condition of the Grant,) covenanted with one *David Goodrich*, to convey to him her said Husband's Interest in the House-Lot belonging to said Right, on his performing the Conditions required of the Proprietors in her Stead, which he has accordingly done ; and praying, that she may be impowered (as Administratrix of the Estate of the Deceased) to make a legal Conveyance of the Premises, thereby to secure to the Heirs of the said Deceased, their remaining Share in said Right.

Adjourn-
mentt of
Taunton and
Charlestown
Courts.

Read and *Ordered*, That *Capt. Collins*, *Capt. Stevens*, and *Col. Osgood*, be a Committee to take this Petition under Consideration, and Report thereon.

Whereas divers of the Justices of the Inferiour Court of Common Pleas, and Court of General Sessions of the Peace, which by Law are to be held at Taunton, in the County of Bristol, on the second Tuesday of March Instant, are Members of this Court, and the important Affairs of the Province require their Attendance there : Wherefore,

Ordered, That said Courts be, and hereby are, adjourned to the second Tuesday in *April* next, and that all Matters and Things that might have Day at said Courts, on said second Tuesday of *March*, shall be heard and try'd on the said second Tuesday of *April* ; and that all Officers and other Persons concerned in said Courts, conform themselves accordingly.

Sent up for Concurrence.

Whereas divers of the Justices of the Inferiour Court of Common Pleas, and Court of General Sessions of the Peace, which by Law are to be held at Charlestown, in the County of Middlesex, on the second Tuesday of March Instant, are Members of this Court, and the important Affairs of the Province require their Attendance thereon : Wherefore,

Ordered, That said Courts be, and hereby are, adjourned to the third Tuesday in *April* next, and that all Matters and Things that might have Day at said Courts on said second Tuesday of *March*, shall be heard and try'd on the said third Tuesday of *April* ; and that all Officers and other Persons concerned in said Courts, conform themselves accordingly.

Report on
Petition of
sick and
wounded
Soldiers.

Sent up for Concurrence.

The Committee appointed on Petitions from sick and wounded Soldiers, Reported on sundry of said Petitions.

Read

Read and accepted, and thereupon, *Resolved*, That there be allowed and paid out of the public Treasury to Capt. *Henry King*, for the Use of *Noah McIntyer*, £. 3 10s. and for the Use of *Caleb Barton*, £. 3. to *Joseph Gerrish*, Esq; for the Use of *Hezekiah Hutchins*, 21s. to Capt. *Jabez Upham*, for the Use of *Mercy Adams*, £. 3 18s. to Capt. *John Brown*, for the Use of *Ephraim Morey*, 59s. 4d. and to *Jonathan Buswell*, 38s. 10d. being in full Consideration of the Expences, in their Petitions respectively mentioned.

Sent up for Concurrence.

Post Meridiem.

The Committee appointed the last Session to prepare & bring Report of a Bill in Addition to the Laws respecting the Settlement and Support of Ministers, Reported a Bill Intituled *An Act in Addition to an Act Intituled An Act in Addition to the several Acts and Laws of this Province for the Settlement and Support of Ministers*; Which the Chair-man read at his Place, and then delivered in at the Table. Read a first Time. And

Ordered, That the Bill have a second Reading at ten o'Clock to Morrow Morning.

A Memorial of *John Jeffries* and *Samuel Danforth*, Esqrs; two of the Commissioners appointed to adjust and settle the Affairs of the late Land Bank or Manufactory Scheme, setting forth the many Difficulties and Embarrassments which have hitherto prevented their putting a Period to that unhappy Affair, and which are still like to frustrate the Design, without the further Interposition of this Court; and praying, that the Matter may be taken into Consideration; and they impowered to set up and carry on a Lottery, which they propose as the most likely Method for the speedy and effectual Redemption of the Bills still outstanding.

Memorial of
John Jeffries,
&c. Esqrs,

Read and *Ordered*, That Judge *Russell*, Col. *Ruggles*, and Col. *White*, with such as the honourable Board shall join, be a Committee to take this Memorial under Consideration, and project some proper Method for putting an End to the Land Bank or Manufactory Scheme, and Report.

Sent up for Concurrence.

The Committee appointed on the Petition of *Samuel White*, Esq; and *William Woods*, Reported according to Order.

Report on
Petition of
Samuel White,
Esq; &c.

Read and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that the Proprietors of the *Horse-Neck* (so called) in *Dartmouth* in the County of *Bristol*, be, and they hereby are, allowed and impowered to defend the Action, which was originally commenced against them by *John Sowle* of said *Dartmouth*, Gentleman, at the Inferiour Court of Common Pleas, held at *Taunton*, for the County of *Bristol*, on the second Tuesday of *Decemb.* last, at the Inferiour Court of Common Pleas, to be holden at *Taunton* for the County aforesaid, on the second Tuesday of *June* next; and the said Court is hereby impowered and directed, to hear and try the same, enter up Judgment, and

award Execution thereon, the Default mentioned notwithstanding ; provided the Petitioners serve said *Sorule* with a Copy of this Order, fourteen Days at least, before the Sitting of said Court, on the second Tuesday of *June* next ; and that the Judgment given on the Default mentioned, be and hereby is superseeded.

Sent up for Concurrence.

Order on
Petition of
Daniel Nash,
&c.

The Committee appointed on the Petition of *Daniel Nash*, and others, Select-Men of *South-Hadley*, Reported thereon.

Read and not accepted, and *Ordered*, That the Report be Re-committed.

Report on
Petition of
Cornelius
Sturtevant,
&c.

The Committee appointed on the Petition of *Cornelius Sturtevant*, and *Jonathan Tilson*, Reported according to Order.

Read and accepted, and *Ordered*, That the Prayer of this Petition be granted, and that the Petitioners be, and they hereby are, impowered (in their said Capacity of Guardians) to make Sale of the Lands mentioned, for the most the same will fetch, and to make and execute a good Deed or Deeds thereof in the Law, they observing the Directions of the Law respecting the Sale of Real Estates by Executors and Administrators ; provided they give sufficient Caution to the Judge of Probate &c. for the County of *Plymouth*, that the Proceeds of said Lands, with the Interest arising thereon, be secured to the said Minors.

Sent up for Concurrence.

Petition of
John Whittemore.

A Petition of *John Whittemore* of *Leicester*, in the County of *Worcester*, in Behalf of himself, and his Mother *Ruth Whittemore*, Relict of *John Whittemore*, late of *Malden*, deceased, setting forth, that the said *Ruth*, in *January* 1750, obtained Leave to sell her Thirds in the said Deceased's Estate, she giving Security for paying the Capital Sum the same should be sold for to the right Heirs after her Decease ; which was done accordingly ; that the Income of the Money arising by said Sale (which is all he has received for several Years past for her Support) is by no Means sufficient for that End, under her great Infirmities in her very advanced Age ; that Affairs are so circumstanced, that it is scarce possible to receive any Benefit from the Law obliging Children to maintain their poor Parents ; therefore praying that the Judge of Probate for the County of *Middlesex*, on his receiving any Sums of Money from the Sureties named in the Bond now lying in his Office, may be impowered from Time to Time to give a Discharge for so much as he shall think necessary towards her Support.

Read and *Ordered*, That Mr. *Pratt*, Mr. *Paine*, and Col. *Murray*, be a Committee to take this Petition under Consideration, and Report what they judge proper to be done thereon.

Report of a
Vote.

Mr. *Paine*, according to Order, Reported the following Draught of a Vote, on the Petition of *John Chandler*, Jun. Esq; Which was read and accepted, viz.

Ordered, That the Prayer of this Petition be so far granted, as that the Petitioner (in his Capacity of Administrator) be, and he hereby is, impowered to make Sale of the Lands mentioned for the

the most the same will fetch, and to make and execute a good Deed or Deeds of Conveyance thereof in the Law, he observing the Direction of the Law respecting the Sale of Real Estate by Executors and Administrators, and giving sufficient Caution to the Judge of Probate for the County of *Worcester*, to account for the Produce of said Sale, so that the same may be proportioned among the several Creditors, according to their respective Demands.

Sent up for Concurrence.

A Petition of *Jonathan Tucker*, of the District of *Charlton*, in the County of *Worcester*, Commander of a Company of the Militia in said District, shewing, that three of the Soldiers belonging to his Company, were impressed into the Service as Minute-Men (so called) in the Year 1756, who furnished themselves with Arms, Ammunition and Blankets, and paid for their own Billeting as far as *Westfield*, the first Time they were ordered to March, but being out of the Way, did not march the second Time with their Company; and praying such an Allowance for their Time and Expences as shall be judged meet.

Petition of
*Jonathan
Tucker.*

Read and Ordered, That this Petition be committed to Col. *Nichols*, Mr. *Turner*, and Mr. *Gardner*, to consider and Report thereon.

Then the House adjourn'd till to Morrow Morning ten o'Clock.

Veneris 10. Die Martii, A. D. 1758.

A Petition of *Abigail Stevens*, Administratrix of the Estate of *Isaac Stevens*, late of *Rutland*, in the County of *Worcester*, deceased, setting forth, that the Real Estate of said Deceased, lying in several Tracts in Common and undivided, is so circumstanced, that selling off Part will render the Remainder of but little Value; and as some Part thereof must be sold to enable her to discharge the Deceased's Debts, which surmount the Value of his Personal Estate; therefore praying Liberty to dispose of the whole, the Overplus to be divided according to Law.

Petition of
*Abigail Ste-
vens.*

Read and Ordered, That Col. *Murray* prepare the Draught of a proper Vote granting the Prayer of the Petition.

A Petition of *John Harris*, Guardian to *Eunice Rebecca Corey*, a Minor Daughter of *Benjamin Corey*, Junr. late of *Lunenburg*, in the County of *Worcester*, deceased, shewing that the said Minor is seized of one third Part of a small Real Estate, consisting of an old Barn which is greatly out of Repairs, and of about 27 Acres of Land, which produces little or no Income; and praying Liberty to sell the same, it being apprehended that the Interest of the Money arising thereby, would be much more beneficial to said Minor, than said Real Estate.

Petition of
John Harris.

Read and Ordered, That Col. *Lawrence*, Col. *Quincy*, & Mr. *Paine*, be a Committee to consider this Petition, and Report thereon.

The

Order on Petition and Complaint of *Solomon Whitney, &c.* The Committee appointed on the Petition and Complaint of *Solomon Whitney*, and others, made a verbal Report : Thereupon,
Ordered, That the Petition be Re-committed ; and that the

Committee examine the Witnesses on the other Matters of Complaint therein exhibited, and further consider and Report in what Manner they judge proper the said Witnesses should be paid.

The Committee appointed to prepare an Establishment for the Province Ship of War *King-George*, Reported according to Order.

Read and *Ordered*, That the Report be Re-committed for further Enquiry, and that *James Russell*, Esq; and Mr. *Flucker*, be added to the Committee.

Committee for an Answer Governor's Message.

Ordered, That *Col. Hale*, *Col. Choate*, Mr. *Tyng*, Mr. *Pratt*, Judge *Russell*, *Col. White*, and Mr. *Gridley*, with such as the honourable Board shall appoint, be a Committee to prepare the Draught of an Answer to those Parts of his Excellency's Speech addressed to both Houses, and Report. Sent up for Concurrence.

Letter bro't down and read.

Mr. Secretary *Oliver* brought down a Letter he had received from *Col. Chandler*, which he acquainted the House had been read at the Board, and that he was directed by them to lay the same before the House.

The said Letter, dated *Worcester*, March 7. 1758. was read ; and after a Debate thereon,

Ordered, That Mr. *Turner* carry up the same to the honourable Board, and acquaint them, that as the Letter was directed to the Secretary and the Board, the House apprehend it does not belong to them to act in the Affair.

Who returned, that he had delivered the Message.

Establishment referred.

The Committee appointed to prepare an Establishment for Officers and Soldiers belonging to the Militia that marched for the Relief of Fort *William-Henry*, Reported according to Order.

Read, and after some Debate, the further Consideration thereof was referred.

Post Meridiem.

Vote of Establishment for Officers and Soldiers.

The House Re-assumed the Consideration of the Report of the Committee appointed to prepare an Establishment for those of the Militia that marched for the Relief of Fort *William-Henry* ; and after a further Debate thereon,

Voted, That the Commanding Officer of each Company of the Militia, or Detachment of a Company, that marched on the late Alarm for the Relief of Fort *William-Henry*, be directed to make up a Roll for Pay and Subsistence of himself and Company, as follows, *viz.*

| | |
|---|----------|
| For each Colonel, <i>ten Shillings</i> , | per Day. |
| For each Lieut. Colonel, <i>eight Shillings</i> , | Ditto. |
| For each Major, <i>seven Shillings</i> , | Ditto. |
| For each Chaplain, <i>five Shillings</i> , | Ditto. |
| For each Surgeon, <i>four Shillings and six Pence</i> , | Ditto. |
| For each Captain, <i>five Shillings</i> , | Ditto. |

For

| | |
|---|--------|
| For each Lieut. <i>three Shillings & nine Pence,</i> | Ditto. |
| For each Ensign, <i>three Shillings,</i> | Ditto. |
| For each Adjutant, <i>three Shillings,</i> | Ditto. |
| For each Sergeant, <i>two Shillings & ten Pence,</i> | Ditto. |
| For each Corporal, <i>two Shillings & nine Pence,</i> | Ditto. |
| For each private Soldier, <i>two Shillings & eight Pence,</i> | Ditto. |

And that those Officers and Soldiers that rode on Horses be allowed, over and above the aforesaid Establishment, *eighteen Pence* for each Day they were detained at the end of their March, until they had Orders to return Home: That, in said Roll, he carry out against his own and each of the Officers and Men's Names their Wages, therein making a Column for the Supplies they received of Taverners and others, deducting the same from the Sums respectively carried out: That such Officers make Oath, that they and their Men were so long in the Service, as they are born in their said Rolls: That each of said Officers and Soldiers be allowed one Day's Pay & Subsistence before they marched: That fifteen Miles Travel be accounted a Day's March: That the Tavern-keepers and others, who supplied such Officers and Soldiers, be directed, within two Months from this Time, to transmit their Accounts to the Secretary, in order that they may be laid before the House, to be examined by a Committee to be for that Purpose appointed; the said Pay-Rolls not to be pass'd upon before the said two Months shall be expired.

Sent up for Concurrence.

The Committee appointed on the Petition of *Beatrice Nelson*, Reported thereon.

Read and accepted, and *Ordered*, That the Prayer of this Petition be granted, and that the within-named *Beatrice Nelson* (in her said Capacity) be, and hereby is impowered to make Sale of the whole of the Real Estate mentioned, and described, and to make and execute a good Deed or Deeds in the Law of the same, she observing the Rules of the Law respecting the Sale of Real Estates by Executors and Administrators, and giving sufficient Caution to the Judge of Probate for the County of *Hampshire*, where the Deceased dwelt, for the due Application of the Monies arising by said Sale, and for the duly accounting for the Overplus, if any there be.

Sent up for Concurrence.

The Committee appointed on the Petition of *Solomon Whitney*, and others, Reported verbally, That they had heard the Complainants, and examined their Witnesses on the several Matters alleged against Capt. *Stone*, but it not appearing to the Committee, that they had supported their Allegations, they were of Opinion the Petition should be dismissed: and that the Witnesses summoned should be paid out of the public Treasury; which Report was accepted; and thereupon,

Ordered, That the Petition be dismiss'd accordingly: And

Voted, That the several Witnesses summoned by the Clerk of the House to give Evidence of what they know relative to the

S f f f

Matters

Matters of Complaint exhibited against Capt. *Zedekiah Stone*, in the Petition of *Solomon Whitney*, and others, be paid out of the public Treasury, in the same Manner as they are allowed by Law in the lower Courts. Sent up for Concurrence.

Petition of
Eben. Nichols
Esq;

A Petition of *Ebenezer Nichols* of *Reading*, in the County of *Middlesex*, Esq; setting forth, that he very early in Life, entred into the Service in Defence of his Country, and has been frequently employed therein; that for some Part of his Services, he remains to this Time unrewarded, altho' Wages were allowed to the Non-Commission Officers and Soldiers under his Command; that he was employed as a Major in the first *Crown-Point* Expedition, and at the Battle near *Lake-George*, was so dangerously wounded as that his Life was despaired of; and was long confined, and put to great Expence thereby; and praying that his Sufferings & Services may be taken into Consideration, and such a Grant made him of the unappropriated Lands of the Province, or other Allowance, as shall be judged reasonable.

Read and Ordered, That Col. *Ruggles*, Col. *Quincy*, and *Caleb Cushing*, Esq; be a Committee to take this Petition under Consideration, and Report what they judge proper to be done thereon.

Message
from his Ex-
cellency the
Governor.

Mr. Secretary *Oliver*, came down with a Message from his Excellency the Governour, viz.

Mr. Speaker, His Excellency is now in the Chair, and directs the Attendance of this honourable House in the Council Chamber.

Mr. Speaker, with the House, went up accordingly: When his Excellency was pleased to communicate to the two Houses, the Advices he had just received from *Great Britain*, relative to an Expedition formed for the Reduction of *Canada*; in which Attempt, it was expected the several Colonies in *North-America* should vigorously Co-operate with his Majesty's Regular Forces: And after recommending the Affair to the serious and immediate Attention of the House, His Excellency was pleased to deliver to Mr. Speaker a Letter he had received from the Right Hon. *William Pitt*, Esq; one of his Majesty's principal Secretary's of State. And then Mr. Speaker, with the House, returned to their own Chamber.

The said Letter, dated *Whitehall*, *December* 30th 1757, was read: And after some Debate thereon:

Ordered, That the same be taken under Consideration at ten o'Clock to Morrow Morning.

Then the House adjourn'd till to Morrow Morning ten o'Clock.

Sabbati 11. Die Martii, A. D. 1758.

Order on
Transfers.

Ordered, That there be a Transfer of the Sum of *Two Hundred Pounds*, from the Appropriation for Grants to the Appropriation where there is no Establishment: And of the Sum of *Four Hundred and sixty Pounds four Shillings*, from the Appropriation for *Crown-Point*, to the Appropriation for Bounty to encourage Men to enlist under Lord *Loudoun*; and of the Sum of *Eight Hundred*

Hundred thirty six Pounds twelve Shillings & eleven Pence, from the said Appropriation for *Crown-Point*, to the Appropriation for Billeting: also of the sum of *Fifteen Hundred Pounds*, from the Appropriation for the Commissary's Disbursements to the Appropriation for Forts and Garrisons: And that the Treasurer be directed to conform himself accordingly.

[Sum]

Sent up for Concurrence.

The Committee appointed on the Petition of *John Whittemore*,
Reported according to Order.

Report on
Motion of
John Whittemore.

Read and accepted, and *Ordered*, That the Prayer of this Petition be hereby so far granted, as that the said *Benjamin Whittemore* and *Pelatih Whittemore*, their Heirs and Administrators, or either of them, may pay and apply so much of the Principal of said Bond towards the Support of their said Mother, as the Judge of Probate for the County of *Middlesex* shall think proper for that Purpose, and in such Manner as said Judge shall direct; and that said Judge shall and may order such Sums as shall be paid, pursuant to his Orders, to be endorsed on said Bond; which Indorsements so made, shall be the said Obligators, their Executors and Administrators Discharge for the Amount of such Indorsement or Indorsements so made; and the Heirs or Persons intitled to a Distribution, pursuant to said Bond, shall receive only their Average and Proportion of the Residue, after such Payments are deducted.

Sent up for Concurrence.

Ordered, That the Members of the House now in Town, be directed to attend their Duty, and that they be enjoined not to depart without Leave, under Penalty of the Displeasure of the House.

Members
enjoined.

The House, according to the Order of the Day, took under Consideration the Letter of the 30th of *December* last from the honourable Mr. Secretary *Pitt*, to his Excellency the Governour.

Vote for
raising Men.

And after a Debate thereon, *Voted* Unanimously, That there be raised by this Government a suitable Number of Men to Cooperate with his Majesty's Forces in an Attempt for the Reduction of *Canada*.

Sent up for Concurrence.

Post Meridiem.

The House proceeded in their Consideration of Mr. Secretary *Pitt's* Letter to his Excellency the Governour:

7000 Men
voted to be
raised

And after a Debate thereon,

Voted, That 7000 Men, inclusive of Officers, be raised on the Part of this Government by Enlistment, for the intended Expedition against *Canada*, to be formed into Regiments, and Officer'd by such of the Inhabitants of this Province, as his Excellency the Captain-General shall be pleased to appoint: The said Men to be continued in the Service for a Time not exceeding the first Day of *November* next, and to be dismissed as much sooner as his Majesty's Service will admit.

Sent up for Concurrence.

Then the House adjourn'd till Monday next ten o'Clock in the Forenoon.





V O T E S

Of the House of Representatives.



Lunæ 13. Die Martii, A. D. 1758.

THE Committee appointed on the Petition of *John White* and *Timothy Burbank*, Reported thereon. Report on
Petition of
John White,
&c.
Read and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to the Petitioner *Timothy Burbank*, the Sum of *nine Pounds* for Billeting the Soldiers mentioned, he to account with the Petitioner *John Wright* for such Part thereof as he shall appear to have advanced. Sent up for Concurrence.

On a Motion made and seconded, *Ordered*, That *Capt. Brown*, *Mr. Witt*, and *Capt. Williams*, be a Committee to consider of some proper Method of paying the Soldiers, raised by this Government for his Majesty's Service under his Excellency the Earl of *Loudoun*, their Subsistence on their Return to their respective Homes the last Year, and for paying the Accounts of the Taverners and others, who supplied any of said Soldiers, and Report. Committee
for Soldiers
Pay.

On a Motion made and seconded by divers Members, *Ordered*, That *Col. Williams*, *Mr. Flucker*, and *Mr. Foster*, be a Committee to prepare and bring in a Bill, for laying a General Embargo on the Shipping in the several Ports within this Province. Committee
for a Bill.

The said Committee Reported a Bill Intituled *An Act laying an Embargo upon Ships and other Vessels in this Province*. Bill read.

Read a first Time. And

Ordered, That the Bill have a second Reading at twelve o' Clock.

The House proceeded in their Consideration of *Mr. Secretary Pitt's* Letter to his Excellency the Governour, and after a large Debate thereon, the further Consideration of the Affair was referred. Letter re-
fer'd.

Report of a
Vote on
Petition of
Abigail Ste-
vens.

Col. *Murray*, according to Order, Reported the following Draught of a Vote on the Petition of *Abigail Stevens* : Which was read and accepted, *viz.*

Ordered, That the Prayer of the Petition be granted ; and that the said *Abigail Stevens* be, and hereby is, impowered (in her said Capacity) to make Sale of the whole of the said Deceased's Real Estate for the most the same will fetch, and to execute a good Deed or Deeds thereof, provided the Petitioner observe the Directions of the Law for the Sale of Real Estates by Executors and Administrators, and give sufficient Caution to the Judge of Probate for the County of *Worcester*, that the Proceeds arising by said Sale, be applied to the Payment of the just Debts of the Deceased (saving one third Part of the annual Income to the Widow, in Lieu of her Right of Dower or Thirds in the Premises, during her natural Life,) and the Remainder thereof to be for the Benefit of the said Deceased's Children, as the Law directs.

Sent up for Concurrence.

Bill En-
grofs'd.

A Bill Intituled *An Act laying an Embargo upon Ships and other Vessels in this Province*. Read a second and third Time, and pass'd to be Engross'd.

Sent up for Concurrence by Capt. *Stevens*, Capt. *Dalton*, and Mr. *Paine*.

Petition of
James Whipple.

A Petition of *James Whipple*, Junr. Administrator of the Estate of *Joshua Winchester*, late of *Grafton*, in the County of *Worcester*, deceased, praying that he may be allowed to sell the whole of the Real Estate of the Deceased, the Proceeds thereof to be applied to discharge what the Personal Estate left by him falls short of paying his just Debts, and the Overplus to be improved at Interest for educating the young Children ; it being apprehended what would be left of the Real Estate, after the paying the said Debts, will not Rent for any Value.

Read and *Ordered*, That Col. *White*, Major *Ward*, & Capt. *Barret*, be a Committee to consider this Petition, and Report thereon.

Committee
for Tavern-
ers Pay, &c.

The Committee appointed to consider of an Allowance for subsisting the Soldiers raised for the last Year's Campaign on their return Home, and for paying Taverners their Accounts of what they supplied the said Soldiers, Reported according to Order.

Read and not accepted, and *Ordered*, That the Report be Re-committed.

Vote of
Establish-
ment for
Province
Ship *King*
George.

The Committee to whom was Re-committed their Report of an Establishment for the Province Ship of War, *King-George*, Reported verbally. Thereupon their said Report was read again, and accepted ; and

Voted, That the following Establishment of Wages be made for One Hundred and fifty Men, (Officers included) for the Province Ship called the *King-George*, to continue until the first Day of *September* next, provided the War with *France* shall continue so long : *Viz.*

For

| | |
|---|------------|
| For a Captain, <i>eight Pounds,</i> | per Month. |
| For a Lieutenant, <i>Five Pounds,</i> | Ditto. |
| For a Master, <i>Four Pounds,</i> | Ditto. |
| For a Pilot, <i>Four Pounds,</i> | Ditto. |
| For a Chirurgeon, <i>Four Pounds,</i> | Ditto. |
| For a Chirurgeon's Mate, <i>two Pounds ten Shillings,</i> | Ditto. |
| For a Chaplain, <i>three Pounds ten Shillings,</i> | Ditto. |
| For a Mate, <i>three Pounds,</i> | Ditto. |
| For a Carpenter, <i>three Pounds,</i> | Ditto. |
| For a Gunner, <i>three Pounds,</i> | Ditto. |
| For a Boat-Swain, <i>three Pounds,</i> | Ditto. |
| For a Sail-maker, <i>two Pounds ten Shillings,</i> | Ditto. |
| For an Armourer, <i>two Pounds ten Shillings,</i> | Ditto. |
| For a Coxswain, <i>two Pounds ten Shillings,</i> | Ditto. |
| For a Boatswain's Mate, <i>two Pounds five Shillings,</i> | Ditto. |
| For a Steward, <i>two Pounds five Shillings,</i> | Ditto. |
| For a Cook, <i>two Pounds,</i> | Ditto. |
| For a Quarter-Master, <i>two Pounds five Shillings,</i> | Ditto. |
| For each Seaman, <i>two Pounds,</i> | Ditto. |

And that his Excellency be desired to give Orders for insisting said Men accordingly. Sent up for Concurrence.

The said Committee also Reported on the Petition of *William Wyar.* Report on
Petition of
Wm. Wyar.

Read and accepted, and *Resolved*, That the Prayer of this Petition be so far granted, as that the Petitioner be allowed and paid out of the public Treasury the Sum of *four Pounds*, for his Service as Sail-maker, on Board the Province Ship *King-George*, over and above his Wages as a Seaman, the last Year.

Sent up for Concurrence.

The Committee to whom was Re-committed their Report relating to Subsistence to the Soldiers on their return Home from the last Campaign, and the Allowance of Taverners Accounts, who supplied them on their said Return, Reported the following Vote ; which was read and accepted, *viz.* Vote relating to Sub-
sistence of
Soldiers.

Voted, That Subsistence be allowed the Soldiers rais'd by this Government, under the Command of his Excellency the Earl of *Loudoun* the Year past, on their return Home from the Army ; and that the Taverners and others, who supply'd any of said Soldiers, and have not received their Pay, be and hereby are directed to return their Accounts attested under Oath, to the Secretary of the Province, in order for Allowance, provided they charge in their Accounts, no more than has been heretofore allowed.

Sent up for Concurrence.

Then the House adjourn'd till to Morrow Morning ten o'Clock.

Martis

Martis 14. Die Martii, A. D. 1758.

Petition of
Mary Sedau-
la.

A Petition of *Mary Sedaula*, Indian Woman, formerly of the *Cagnarwaga* Tribe, but for twenty-nine Years past, Resident within this Province, praying the Compassionate Consideration of this Court under her Difficulties in her advanced Age, she having about three Years ago lost her Husband, who was drowned in passing *Deerfield-River*, and her only Son who entred into his Majesty's Service in General *Shirley's* Regiment, she has not heard of for a considerable Time, and is now intirely destitute of any Help.

Read and *Ordered*, That Capt. *Brown*, Col. *Lawrence*, and Mr. *Billing*, be a Committee to take this Petition under Consideration, and Report thereon.

Report on
Petitions
from sick
and wound-
ed Soldiers.

The Committee appointed on Petitions from sick and wounded Soldiers, Reported on sundry of said Petitions : Which were read and accepted : And thereupon,

Resolved, That there be allowed and paid out of the public Treasury, to *Joseph Buckminster*, Esq; for the Use of Capt. *Daniel Burnup* 53s. 8d. and for the Use of *Ephraim Woods*, 57s. 2d. to Capt. *Benjamin Hutchins*, for the Use of *Thomas Cunningham*, 40s. to *John Murray*, Esq; for the Use of *Peter Newton*, 58s. 8d. to *William Lawrence*, Esq; for the Use of *David Kemp*, 48s. and to Mr. *Gideon Lyman*, for the Use of *Nath. Stroug*, 50s. 6d in full Consideration of the Expences in their Petitions respectively mentioned. Sent up for Concurrence.

Report on
Petition of
Wm. White.

The said Committee Reported on the Petition of *Wm. White*. Read and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to *Samuel Livermore*, Esq; for the Use of the Petitioner, the Sum of *three Pounds seven Shillings*, in Consideration of his Expence, occasioned by his Sicknes on his return Home, and of the Balance due to him for Wages on the last *Crown-Point* Expedition. Sent up for Concurrence.

Report on
Petition of
John Harris.

The Committee appointed on the Petition of *John Harris*, Reported according to Order.

Read and not accepted ; and *Ordered*, That the Petition be dismiss'd.

Establissh-
ment refer'd.

The Committee appointed to prepare an Establishment for the Province Ship of War *King-George*, Reported an Establishment of Provisions &c. for the Men on Board the said Ship.

Read and not accepted ; and *Ordered*, That the Report be Re-committed.

Committee
to examine
Militia-Act.

On a Motion made and seconded, *Ordered*, That Col. *Quincy*, Mr. *Tyng*, Major *Ward*, Col. *White*, and Col. *Williams*, be a Committee to examine the Militia Law lately passed, and Report whether it may not be expedient to suspend the Operation of some Parts thereof for some Time, and to prepare the Draught of a Vote accordingly.

Ordered,

Ordered, That Mr. *Flucker* go up with a Message to the honourable Board, to enquire, whether they have passed on the Votes of the House for raising Men for the intended Expedition for the Reduction of *Canada* ? Message to the Board.

Who returned, That he had delivered the Message.

Richard Cutt, Esq; came down with a Message from the Board to acquaint the House, that the Board have concurred the said Votes. Message from the Board.

Ordered, That Mr. *Prat*, Col. *Choate*, Col. *White*, Col. *Ruggles*, Mr. *Tyng*, Mr. *Paine*, Mr. *Witt*, and Mr. *Bradbury*, with such as the honourable Board shall join, be a Committee to consider what is proper to be further done, in Relation to the Expedition, now under Consideration by this Court, and Report. Committee relating to the Expedition.

Sent up for Concurrence.

Sylvanus Bourn, Esq; brought down the Bill Intituled *An Act laying an Embargo upon Ships, and other Vessels in this Province*. Bill bro't down.

Pass'd in Council, viz. In Council *March* 13th 1758. Read a first Time. Read a second Time; and pass'd a Concurrence to the Engrossing of this Bill, with the Amendments at A, B, C, D & E. Sent down for Concurrence.

Read and non-concur'd the Amendments at A, B, & C. and concur'd the Amendments at D & E. Sent up for Concurrence.

Ordered, That Capt. *Livermore* be of the Committee on the Establishment of Provisions for the Men on Board the Province Ship of War *King-George*, in the Room of Mr. *Tyng*, who is excused from that Service. Capt. Livermore on a Committee.

The Committee to whom was Re-committed their Report on the Petition of *Daniel Nash*, &c. Select-Men of *South-Hadley*, Reported according to Order. Report on Petition of Daniel Nash.

Read and accepted; and *Ordered*, That the Prayer of the Petition be granted, and that the Proceedings of the Inhabitants of said District, assembled on the second Monday of *January* last; as also their Proceedings on the second Monday of *March* Instant, on all such Matters and Things contained in the respective Notifications by the Select-men, be held, and hereby are declared to be as valid in Law to all Intents and Purposes, as tho' said Meetings had been warned by the Constables; and that the said Inhabitants be, and hereby are empowered to chuse Collectors for the Purposes mentioned; and that such Collectors, when chosen and duly sworn, be and hereby are ordered, to receive the several Assessments made in said District for the Year 1757, and collect and pay in the same to the respective Treasurers, according to Law, and the Warrants given them for that Purpose; and on Certificate of the Names of said Collectors so chosen, and the several Sums to them committed to collect and pay in to the Province Treasurer, that then the said Treasurer be, and hereby is ordered to issue his Warrants to them accordingly.

Sent up for Concurrence.

V v v v

James

Petition of
Tho. Ralfe,
bro't down.

James Bowdoin, Esq; brought down the Petition of *Thomas Ralfe*, as entred the 12th of *December* last. Pass'd in Council, viz. In Council *March* 14th 1758. Read again, together with the Answer of *Silvanus Snow*, and other Papers accompanying the same; and Ordered, That *James Minot* and *William Brattle*, Esqrs; with such as the honourable House shall join, be a Committee to take the same under Consideration, to hear the Parties, and Report what they judge proper to be done thereon.

Read and concur'd, and Mr. *Bacon*, Col. *White*, and *Joseph Cushing*, Esq; are joined in the Affair.

Petition of
Josiah Thacher,
&c.

A Petition of *Josiah Thacher* and *Robert Manster*, setting forth, that they being in the Service the last Campaign, on the Death of the Lieutenant of their Company, they were advanced by Regimental Orders, the one from an Ensign to a Lieutenant, the other from a Serjeant to an Ensign, and performed Duty accordingly till the Army was dismissed; and praying that they may be allowed Pay as such, and that the Muster-Roll may be made up accordingly.

Read and Ordered, That Col. *Lawrence*, Mr. *Doan*, and Capt. *Stevens*, be a Committee to consider this Petition, and Report thereon.

Memorial of
James Bane,
&c.

A Memorial of *James Bane* and others, of *York*, in the County of *York*, praying Liberty to bring forward, at the next Inferiour Court to be holden for said County, a Writ of Review of an Action, wherein one *Amos Goudy* recovered Judgment against them on an Action of Trespass, for taking a certain Schooner from *York*, and casting the same away in the Year 1752, they not having the Advantage of some Witnesses at the former Trial, which they apprehend, they shall be able to produce, if they be allowed a Rehearing of the Case.

Read and Ordered, That Capt. *Waldo*, Capt. *Howard*, and Mr. *Bacon*, be a Committee to take this Petition under Consideration, and Report what they judge proper to be done thereon.

Petition of
Tho. Foster,
bro't down.

James Bowdoin, Esq; brought down the Petition of *Thomas Foster*, Esq; with the following Vote of Council thereon, viz. In Council *March* 14th 1758. Read and Ordered, That the Consideration of this Petition be referred to the second Wednesday of the next *May* Sessions. Sent down for Concurrence.

Read and concur'd.

Report on
Petition of
John Smith.

The Committee appointed on the Petition of *John Smith*, Reported verbally, That they had considered the same, and were of Opinion, that it ought to be dismissed. Thereupon,

Ordered, That the Petition be dismiss'd accordingly.

Memorial of
John Gunn.

A Memorial of Mr. *John Gunn* of *Sunderland*, in the County of *Hampshire*, setting forth, That he having been allowed a Seat in the House of Representatives the last Year, his Travel & Attendance in *November* and the Winter Sessions amounted to fifty seven Days, but by some Mistake of the Committee in making
up

up the List, he was allowed *forty eight Shillings* short of his Pay as a Member of the House; and praying that the Mistake may be rectified, and he allowed to receive the Balance due to him.

Read and *Ordered*, That Major *Reed*, Mr. *Aken*, and Capt. *Benjamin Milliken*, be a Committee to examine the Lists of Travel and Attendance of the Members of the House the last Year, take the Memorial under Consideration, and Report thereon.

A Petition of *Christian Van Horn* of *Springfield*, in the County of *Hampshire*, praying an Allowance for a Gun, a Sum of Money, and sundry Articles of Cloathing, furnished his Servant *William Caleb*, on his inlisting for the first intended Expedition against *Crown-Point*, in which Service he continued Part of the Winter following, and died soon after his Re-inlisting for the ensuing Summer, for which he has hitherto received no Consideration. Petition of
*Christian Van
Horn.*

Read and *Ordered*, That Mr. *Turner*, Mr. *Marsh*, and Mr. *Humphry*, be a Committee to take this Petition under Consideration, and Report thereon.

A Petition of *William Davenport* of *Sutton*, in the County of *Worcester*, praying an Allowance for his Time and Expences, whilst in the Service on the last *Crown-Point* Expedition, wherein he was appointed Adjutant of the Regiment under the Command of Col. *Nichols*, and for which he has hitherto received no Pay. Petition of
*Wm. Daven-
port.*

Read and *Ordered*, That this Petition be committed to Capt. *Spaulding*, Col. *Nichols*, and Capt. *Hutchins*, to consider and Report thereon.

A Bill Intituled *An Act in Addition to an Act Intituled An Act in Addition to the several Acts & Laws of this Province for the Settlement and Support of Ministers.* Order on
a Bill. Read a second Time; and

Ordered, That the Bill lie on the Table for further Consideration.

A Petition of *Thomas Marshall* and others, Select-Men of the Town of *Tewkesbury* in the County of *Middlesex*, praying that the Family of *French* People lately ordered there may be removed to some other Town, and they relieved from the Difficulties they labour under, occasioned by the Discontent and ill Behaviour of the said People. Petition of
*Tho. Marshall
&c.*

Read and *Ordered*, That this Petition be committed to the Committee appointed on the Petition of *Francis Miuse & John Miuse*, to consider and Report thereon.

Post Meridiem.

An Engros'd Bill Intituled *An Act laying an Embargo upon Ships and other Vessels in this Province.* Engros'd
Bill Enacted.

Read and *Resolved*, That the Bill pass to be Enacted.

The Committee appointed on the Petition of *Mary Sedaule*, Reported thereon.

Read and accepted, and *Ordered*, That the Sum of *forty Shillings* be allowed to be paid out of the public Treasury, into the Hands of *Elijah Williams*, Esq; to be laid out in Cloathing for the Use of the Petitioner. Report on
Petition of
Mary Sedaule. Sent up for Concurrence.

Petition of
Elkanah
Willis.

A Petition of *Elkanah Willis* of *Bridgewater*, in the County of *Plymouth*, shewing, that in order to satisfy two Judgments of the Superiour Court obtained against him in *July* 1756, in Favour of *Nathanael Bret* and *Reuben Snow*, he was going to an House to sign Conveyances of some Lands which he had agreed to sell at *three Pounds* per Acre (a Sum less than the true Value) and on the Road was taken by a Deputy Sheriff for said County, upon the Executions issued on said Judgments, and being in his Custody, had another Execution served on him by a Coroner in Favour of the said Deputy-Sheriff, and by him kept confined 'till he had signed a Deed of Conveyance of a twenty Acre Lot of said Lands at less than 40s. per Acre, being compelled thereto by Threats of immediate Imprisonment in Case of his Refusal ; and praying such Relief in the Premisses as shall be judged meet. Also

Petition of
Micah Davis.

A Petition of *Micah Davis* of *Acton*, in the County of *Middlesex*, shewing that he had his House broke open, and sundry Things stolen from him, and at the Court of Assize held for said County in *August* 1756, one *Samuel Cole* was convicted of stealing the same, and sentenced to be sold to pay the Damages and Costs, unless paid by a certain Time, which not being done, he has remained in his Majesty's Goal to this Time unfold, and thereby his Charges have been greatly encreased ; and praying that the Affair may be taken under Consideration, and the said *Cole* put into the Service of the Province, and kept therein till he has earned sufficient to pay the said Damages and Costs, or that he may be otherwise relieved, as shall be judged proper.

Read and Ordered, That Mr. *Prat*, Col. *Ruggles*, and Col. *Worthington*, be a Committee to take the said Petitions under Consideration, and Report what they judge proper to be done thereon respectively.

Memorial of
James Car-
gill.

A Memorial of *James Cargill* of *New-Castle*, in the County of *York*, praying the Consideration of this Court for his Services against the Indian Enemy, in such Manner as shall be judged reasonable, the honourable his Majesty's Council not having thought proper to concur with the Vote of the House of Representatives the last Sessions, granting him and his Companion a Sum equal to the Bounty allowed by Law for the Scalp of one of the said Enemy.

Read, and Ordered, That the Memorial lie on the Table.

Petition of
John Noyes,
&c. bro't
down.

Benjamin Lincoln, Esq; brought down the Petition of *John Noyes*, and others, as entred the 7th of *December* last. Pass'd in Council, viz. In Council *March* 14th 1758. Read again, and Ordered, That *James Minot* and *Benjamin Pickman*, Esqrs; with such as the honourable House shall appoint, be a Committee to take the Petition and Answer under Consideration, hear the Parties, and Report what they think proper to be done thereon.

Sent down for Concurrence.

Read

Read and concur'd ; and Capt. *Nathanael Smith*, Col. *Lawrence*, and Capt. *Williams*, are joined in the Affair.

A Petition of *William Sheaffe*, and others, a Committee of the Town of *Charlestown*, setting forth the great Expence they have been at in keeping in Repair the Road, that leads thro' said Town, as far as the Neck (so called,) which they apprehend cannot be done effectually any other Way than by Paving the same ; that they have proceeded therein a considerable Part of the Way, but by Reason of the Difficulties they labour under, they are unable to go on with their Design, without some Assistance ; and praying that they may be allowed to set up and carry on a Lottery, under such Restrictions as shall be tho't proper, the Money arising thereby to be applied to that Purpose.

Petition of
William
Sheaffe, &c.

Read and *Ordered*, That the Petition lie on the Table.

A Petition of *Benjamin Fenno*, and others, Select-Men of the Town of *Milton*, in the County of *Suffolk*, praying that they may be relieved under the Difficulties and Expences they have been put to, in supporting so large a Number of the late Inhabitants of *Nova-Scotia* as have been sent there by the General Court, and that they may be removed to some other Towns of the Province, which have not hitherto born their proportionable Part of that Burthen.

Petition of
Benj. Fenno,
&c.

Read and *Ordered*, That the Petition lie on the Table 'till the Committee appointed to consider of some Method for easing the Province of the Charge of supporting the French Neutrals (so called) Report : And that the said Committee be directed to sit, and Report as soon as may be.

The Committee appointed on the Petition of *Francis Miuse* and *John Miuse*, Reported verbally, That they were of Opinion the Petition ought to be dismissed as far as it relates to *John Miuse*.

Report on
Petition of
John and
Francis Miuse

The said Committee also Reported on the Petition of *Thomas Marshall*, and others, Select-Men of the Town of *Tewkesbury*.

Tho. Marshall

Read and not accepted, and *Ordered*, That this Petition, with the aforesaid Petition of *Francis* and *John Miuse*, lie on the Table, till the aforementioned Committee for easing the Province of the Charge accruing by the French Neutrals (so called) Report.

The Committee appointed to prepare an Establishment for the Province Ship of War, Reported the following Vote of an Establishment of Provisions for the Men on Board said Vessel Which was read and accepted, *viz.*

Report on
Establish-
ment.

Voted, That the following Allowance of Provisions be made to each Man in the Service on Board the Province Ship of War *King-George* ; *viz.*

| | | | |
|-------------------------------|--------------------------|---|-----------|
| Six Pounds of Bread, | One Quart of Pease or | } | |
| Four Pounds of Pork, | Beans. | | |
| Three Pounds of Beef, | Seven Jills of Rum, | } | per Week. |
| One Pound & an Half of Flour, | Three Gallons of Beer. | | |
| | Sent up for Concurrence. | | |

Then the House adjourn'd till to Morrow Morning ten o'Clock.

X x x x

Mercurii

Mercurii 15. Die Martii, A. D. 1758.

Petition of
Afa Fisk, &c.

A Petition of *Afa Fisk*, and others, Select-Men of the Town of *Holliston*, in the County of *Middlesex*, setting forth, that a Family of *French* Neutrals (so called) consisting of eight in Number, (in order to prevent their being separated,) were all sent there, in Consequence of an Order of the General Court, instead of four of them being placed at *Bellingham*, as was originally intended, and for whom they have hitherto provided ; and praying that the whole of said Family may be removed to the said Town of *Bellingham*, there to be supported for so long a Time as shall be judged reasonable.

Read and *Ordered*, That the Prayer of this Petition be granted, and that the Select-men of the Town of *Holliston* be, and hereby are, allowed to remove the eight *French* People now in said Town, to the Town of *Bellingham*, provided it be done at the Charge of the Town of *Holliston* ; and the Select-Men of *Bellingham* are hereby required to receive the said *French* People under their Care, and provide for their comfortable Support.

Sent up for Concurrence.

Report on
Petition of
Josiah Thacher, &c.

The Committee appointed on the Petition of *Josiah Thacher*, and *Robert Manter*, Reported according to Order.

Read and accepted, and *Ordered*, That the Prayer of this Petition be granted ; and the Petitioners hereby are allowed to make up their Muster-Roll accordingly.

Sent up for Concurrence.

Order on
Petition of
Benj Furnass.

On a Motion made and seconded, the Petition of *Benjamin Furnass*, as entred the 24th of *January* last, was read again ; and

Ordered, That *Col. Gerrish*, *Col. Lawrence*, and *Col. Osgood*, take the same under Consideration, and Report what they judge proper for this Court to do thereon.

Petition of
Eliphalet Holbrook.

A Petition of *Eliphalet Holbrook* of *Bellingham*, in the County of *Suffolk*, shewing, that his Son *Noah Holbrook*, being a Soldier in the last *Crown-Point* Expedition, died on his return Home, and was made up in the Muster-Roll for his full Pay, but for some Reason, he has been denied receiving the same ; and praying that he may be allowed his Son's Wages, with a further Allowance for his Gun which he carried into the Service, and other Articles which were lost.

Read and *Ordered*, That *Capt. Sprague*, *Mr. Lancaster*, and *Major Reed*, be a Committee to consider this Petition, and Report thereon.

Committee
for an Im-
post-Bill,
&c.

Ordered, That *Mr. Flucker*, *Mr. Turner*. and *Col. Williams*, be a Committee to prepare and bring in an *Impost-Bill* :—And that the Petition of *Gilbert Deblois*, as entred the 7th of *January* last, be committed to the said Committee, to consider, and Report what they judge proper to be done thereon.

Col.

Col. *Ruggles*, according to Order, Reported the Amendment Report on proposed on the Bill Intituled *An Act in Addition to the Act Intituled a Bill. An Act for granting unto his Majesty an Excise upon Spirits distilled and Wine, and upon Limes Lemmons & Oranges* : Which was read, and the Consideration thereof referred.

Richard Cutt, Esq; brought down the following Draught of a Message to his Excellency the Governour, as prepared by the Committee of both Houses, appointed to consider of what is proper to be further done in Relation to the Expedition now under Consideration ; *Viz.*

[Houses]

May it please your Excellency,

IT has been the Practice of this Government to allow Subsistence as well as Pay to their Forces, from the Time of their Enlistment ; and the two Houses are of Opinion, That it will be a Discouragement to the People, if they should not be, on this Occasion, allowed in the same Manner.

The Sum engaged last Year by the General of his Majesty's Forces for Subsistence, being only *two Shillings* Sterling per Week, proved insufficient ;—It is therefore the Desire of both Houses, That your Excellency would be pleased to write to General *ABERCROMBIE*, and to endeavour to procure for the Forces, now proposed to be raised, the same Sum for their daily Subsistence, as is allowed by his Majesty to the Contractor for Victualing the Army ; the Allowance to commence at the Time with their Pay, and to continue until they receive the King's Provisions at the Place of Rendezvous : This Point being made certain, will tend to facilitate raising the Men.

The two Houses beg Leave further to observe to your Excellency, That, as many of the Inhabitants of this Province, especially those in the Eastern Parts of it, are well acquainted with *Louisbourg*, and there are many who served there, when that Place was formerly reduced ; it seems therefore, that it would tend to promote his Majesty's Service, if some of the Regiments from this Province, should be employed in that Part of the Service of the present Year ; and your Excellency is likewise desired to propose this to the General of his Majesty's Forces accordingly.

Pas'd in Council, *viz.* In Council *March 15th 1758.* Read and accepted, and Ordered, That *Benjamin Lynde*, Esq; with such as the honourable House shall join, be a Committee to present the foregoing Message to his Excellency the Governour.

Sent down for Concurrence.

Read and concur'd, with the Amendment at *A*, and Judge *Russell*, and Mr. *Flucker*, are joined in the Affair.

Sent up for Concurrence.

Post Meridiem.

A Petition of *James Johnson*, of a Place called Number 4. in the Province of *New-Hampshire*,, praying, that he may have a further *James Johnson*.

further Allowance made him, to enable him to discharge his Obligation to Col. *Schuyler*, who generously supplied him with Money whilst in *Canada*, he having applied the whole of his late Grant of *thirty Pounds* for that Purpose ; and having no Way left, whereby he can raise the remaining Part of the Sum due to him. Read, and the Question being put,

Whether it be the Mind of the House, that the Petition should be sustained ? It pass'd in the Negative.

Ordered, That Col. *Quincy*, Mr. *Tyng*, Mr. *Morey*, Mr. *Flucker*, and Col. *Choate*, be a Committee to consider of some proper Method of supplying the Treasury with a Sum of Money sufficient for a suitable Bounty to be given to encourage Persons to enlist into the Service on the proposed Expedition against *Canada*, and Report.

Committee
for a Supply.

Voterelating
to Arms, &c.

On a Motion made and seconded, *Voted*, That the Arms and Accoutrements belonging to this Province, which were delivered to the Eighteen Hundred Men raised by this Government for his Majesty's Service under the Command of his Excellency the Earl of *Loudoun*, and are in the Possession of any Persons in the Counties of *Suffolk*, *Middlesex* and *Barnstable*, be returned into the Commissary-General's Office ; that those in the County of *Essex*, be delivered to *Ichabod Plaisted*, Esq; at *Salem* ; those in the County of *Hampshire*, to *John Worthington*, Esq; at *Springfield* ; those in the County of *Worcester*, to *Gardner Chandler*, Esq; at *Worcester* ; those in the County of *Plymouth*, to *Thomas Foster*, Esq; at *Plymouth* ; those in the County of *Bristol*, to *Samuel White*, Esq; at *Taunton* ; those in the County of *York*, to Mr. *Jonathan Sayward*, at *York* ; and those in the County of *Duke's-County*, to *John Norton*, Esq; at *Edgartown*, or to the Commissary-General as afore-said : Who are hereby directed to receive the said Arms, &c. and give a Certificate thereof to the Persons of whom they shall receive the same, and transmit them to the Commissary-General : and, that a Copy of this Vote be printed, and sent to the several Towns and Districts within this Province.

Sent up for Concurrence.

A Petition of *Samuel White*, Esq; and others, Agents for the Towns of *Taunton* and *Berkley*, in the County of *Bristol*, setting forth, that the only Way of conveying their Lumber, Iron, and other Articles to Market is by Water down *Taunton-River* ; but the same is so much obstructed by Rocks and Shoals, that the passing of Boats &c. is very difficult and dangerous, from *Ware-Bridge* to a Place called *Rocky-Point* ; that the removing those Obstructions would be very beneficial not only to said Towns, but as they apprehend to the Public in general, the Charge whereof they are unable to bear under their present Circumstances ; therefore praying, that they may be empowered to set up and carry on a Lottery, the Money arising thereby to be applied for that Purpose.

Petition of
Sam. White,
Esq; &c.

Read and Ordered, That the Petition lie on the Table.

Samuel

Samuel Watts, Esq; brought down the Report of the Committee appointed to consider what is proper to be further done relative to the Expedition now under Consideration. Vote relative to the Expedition.

In Council *March* 15th Read, and sent down.

Read, and accepted in Part :—And then the further Consideration of the Report was referred.

Ordered, That *Col. Worthington*, *Mr. Gridley*, and *Col. White*, be a Committee to consider of some proper Measures for the Support of the Families of such as shall engage in the proposed Expedition against *Canada*, in their Absence in said Service ; and of some further proper Reward to be made them after their Return in Case of Success, and Report. Committee on Support of Soldiers Families.

Then the House adjourn'd till to Morrow Morning ten o'Clock.

Jovis' 16. Die Martii, A. D. 1758.

James Bowdoin, Esq; brought down a Petition of *Thomas Josselyn*, praying that the Judgment of the Superiour Court, in Consequence of a Report of the Referrees appointed on an Action brought against him by *John Fayerweather*, Esq; may be set aside, and he allowed another Trial of the Case by a Jury, or that the same may be Re-committed to the said Referrees for a further Hearing, and that Execution on said Judgment may be stayed in the mean Time. Pass'd in Council, viz. In Council *March* 15th 1758. Read and *Ordered*, That the Petitioner serve the adverse Party *John Fayerweather*, Esq; with a Copy of this Petition, that he shew Cause (if any he have) on Friday next, why the Prayer thereof should not be granted. Petition of *Tho. Josselyn*, bro't down.

Sent down for Concurrence. Read and concur'd.

The House Re-assumed the Consideration of the Report of the Committee of both Houses, appointed to consider what is proper to be further done relative to the Expedition now under Consideration : And after a Debate thereon, the same was accepted in Part, and the further Consideration thereof again referred. Report relative to the Expedition, referred.

Post Meridiem.

The Committee appointed on the Petition of *William Eaton*, and other Petitions of the like Import, Reported on the Petition of *Thomas Riggs*. Report on Petition of *Tho. Riggs*.

Read and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury, the Sum of two Pounds six Shillings & eight Pence, in full of the half Pay he was entitled to, on his Re-enlisting into the Service on the last *Crown-Point* Expedition. Sent up for Concurrence.

The House again took into Consideration the Report of the Committee of both Houses, relative to the intended Expedition against *Canada* : And after a further Debate had thereon, the same was accepted with the Amendments. And thereupon, Vote relative to the Expedition.

Y y y y

Voted,

Vote of
of Establish-
ment for
Officers and
Soldiers.

Voted, That each able-bodied effective Man, who shall voluntarily enlist himself into the intended Expedition against *Canada*, before the fifteenth Day of *April* next, shall be entitled to *thirty Shillings* Bounty, to be paid at the Time of his Enlistment, and upon his passing Muster, shall receive a good Blanket, and *fifty Shillings* more, for furnishing himself with Cloaths: Also that the following Establishment be made for Officers and Soldiers, that may be employed in said Expedition, *Viz.*

| | £. | s. | d. | |
|--|----|----|----|------------|
| For a Colonel to each Regiment, consisting of One Thousand Men, | 20 | 0 | 0 | per Month. |
| For one Lieut. Col. for such Regiment, | 16 | 13 | 4 | Ditto |
| For one Major to Ditto, | 13 | 6 | 8 | Ditto |
| For a Capt. of 100 Men including Officers, | 8 | 0 | 0 | Ditto |
| For two Lieutenants for such Comp. each, | 5 | 0 | 0 | Ditto |
| For one Ensign for Ditto, | 3 | 10 | 0 | Ditto |
| For one Chaplain to each Regiment, | 8 | 0 | 0 | Ditto |
| For one Adjutant to each Regiment, | 4 | 0 | 0 | Ditto |
| For one Chirurgeon to each Regiment, | 10 | 0 | 0 | Ditto |
| For one Chirurgeon's Mate to Ditto, | 5 | 6 | 8 | Ditto |
| For each Sergeant, | 2 | 3 | 1 | Ditto |
| For each Corporal, | 1 | 18 | 7 | Ditto |
| For each Drummer, | 1 | 18 | 7 | Ditto |
| For each private Centinel, | 1 | 16 | 0 | Ditto |

Sent up for Concurrence.

Further En-
courage-
ment for
Enlisting.

Voted, That, in Addition to the other Encouragements granted by this Court to every Non-commission Officer and private Soldier that shall voluntarily enlist himself into his Majesty's Service for the present intended Expedition against *Canada*, and shall actually proceed therein, there be paid to every such Person on his Return, or to his Executors or Administrators, in Case he die in the Service, the Sum of *Ten Pounds*, in Case the said Government of *Canada* shall, by said Expedition, be reduced to a Subjection to his Majesty's Arms. Sent up for Concurrence.

Whereas it appears to be his Majesty's Pleasure, that the Forces now proposed to be raised, shall be Victualled at the Charge of the Crown, from the Time of their engaging in the Service, but no express Direction is given, in what Manner they shall be furnished, until their Arrival at the Place of Rendezvous; and it being necessary in order to encourage such Enlistment, that such Subsistence should be advanced, until Orders can be received from the General of his Majesty's Forces: Therefore,

Governour
desir'd, &c.

Voted, That his Excellency the Governour be desired to issue his Proclamation, therein representing the Encouragement voted by this Court to such as shall enlist into the proposed Expedition for the Reduction of *Canada*. Sent up for Concurrence.

Report on
Petition of
Eben. Nichols,
Esq;

The Committee appointed on the Petition of *Ebenezer Nichols*, Esq; Reported thereon.

Read

Read, and accepted, and *Voted*, That this Court from a just Sense of the brave Colonel *Nichols's* long and faithful Services, in Defence of his Country, in the present and former Wars, as a Reward therefor, and to animate others to follow his virtuous Example, have granted, and do hereby grant unto him the said *Ebenezer Nichols*, his Heirs and Assigns, Three Hundred Acres of the unappropriated Lands belonging to this Province, in the County of *York*, to be surveyed and laid out at his Charge, by a Surveyor and Chain-men under Oath, and a Platt thereof returned to this Court for Confirmation, as soon as may be.

Provided always, That the Lands so surveyed and laid out, do not interfere with any former Grant or Grants of this Government. Proviso.

Ordered, That Mr. *Flucker* go up with a Message to the honourable Board, and acquaint them, that the House propose to come to the Choice of Collectors of the Duties of Excise on spirituous Liquors, in the several Counties thro' the Province, by joint Ballot, to Morrow at three o'Clock Afternoon. Message to the Board.

Who returned, that he had delivered the Message.

Samuel Danforth, Esq; came down with a Message from the honourable Board, to acquaint the House, That they agree to come to the Choice of Collectors of the Duties of Excise on spirituous Liquors, in the Manner proposed by the House, but that they apprehend it would be more convenient to do it at eleven o'Clock in the Forenoon, as several Members of the Court have public Business to transact at *Charlestown*, which they have agreed to attend in the Afternoon. Message from the Board.

Which Proposal being considered by the House,

Ordered, That Col. *Lawrence* go up to the honourable Board, and acquaint them, that the House agree to the Time proposed. Message to the Board.

Who returned, That he had delivered the Message.

Benjamin Lynde, Esq; brought down the Petition of Mr. *Joseph Davis*, and others, of *Holden*, as entered the 30th of *November* last. Pass'd in Council, viz. In Council *March* 16th 1758. In Answer to the Petition of the Rev. Mr. *Joseph Davis*, and others, *Voted*, That a Tax of *thirteen Pounds*, for the Space of five Years, be, and hereby is laid upon the unimproved Lands in the Town of *Holden*, in the County of *Worcester*, belonging to the Non-Resident Proprietors, said Sum of *thirteen Pounds* to be for the Use of the said *Joseph*, and to be paid him in Addition to the Sum of *forty five Pounds*, his yearly Salary; that the Assessors of the said Town of *Holden*, be, and hereby are impowered and directed to assess said Sum of *thirteen Pounds* upon the Non-Resident Proprietors of said Lands, in Proportion to the Number of Acres they severally own; and that the Collector or Collectors of said Town, or such one of them as the said Town shall appoint, be hereby directed and impowered to collect said Taxes, and pay the same to the said *Joseph* annually, during the Continuance of this Resolve. Petition of Mr. Joseph Davis, bro't down.

Sent down for Concurrence.

Read and concur'd.

Benjamin

Petition of
Wm. Lawrence, Esq;
bro't down.

Benjamin Lynde, Esq; brought down a Petition of *William Lawrence*, Esq; Administrator of the Estate of *Jonathan Shead*, late of *Pepperrell*, deceased, praying that he may be impowered to sell the Real Estate of the Deceased, except that Part thereof that has been set off to the Widow for her Thirds, to enable him to pay the Debts due therefrom, as far as the same will extend, he having represented the Estate Insolvent. Pass'd in Council, viz. In Council *March* 16th 1758. Read and Ordered, That the Prayer of the Petition be granted; and that the Petitioner be, and he is hereby, authorized and impowered (in his said Capacity), to make Sale of the seventeen Acres of Land mentioned, in the Petition, and to give and execute a good & sufficient Deed or Deeds of the same; he first giving due Caution to the Judge of Probate for *Middlesex*, to apply the Proceeds of such Sale for Payment of the said Deceased's just Debts, and to be accountable to said Judge for his Proceedings in the Premises, and for the Application of the Overplus of the Produce of such Sale (if any be) agreeable to Law; he likewise giving Notice previous to such Sale, in Time and Manner as the Law touching the Sale of Real Estates by Executors and Administrators doth direct.

Petition of
Jonath. Carver.

Sent down for Concurrence. Read and concur'd.

A Petition of *Jonathan Carver*, Captain of a Company in the late Campaign, shewing, that he supplied the Lientenant of his Company (*John Butler*) with Money to pay the Billeting of Part of the Soldiers under his Command, and fundry other Sums, who never paid the said Billeting, but that he has been since obliged to pay the same himself; therefore praying, that as the said *Butler* is now absconded, he may be allowed in making up his Muster-Roll, to stop so much of the Wages due to the said *Butler* as he has advanced for him.

Petition of
Tho. Ralfe &c
bro't down.

Read and Ordered, That this Petition be dismiss'd.

George Leonard, Esq; brought down the Petition of *Thomas Ralfe*, and others, as entred the 12th of *December* last, with the Report of a Committee of both Houses appointed thereon.

Signed *Wm. Brattle*, per Order.

Pass'd in Council, viz. In Council *March* 15th 1758. Read and not accepted; and Ordered, That the Consideration of this Petition be referred to the next *May* Sessions.

Sent down for Concurrence.

Read and non-concur'd; and Ordered, That the Report be accepted; and that Mr. *Edward Bacon* and Capt. *Joseph Robinson*, with such as the honourable Board shall appoint, be a Committee to view the Premises, hear the Parties thereon, and make Report.

Sent up for Concurrence.

Then the House adjourn'd till to Morrow Morning ten o'Clock.

Ueneris 17. Die Martii, A. D. 1758.

THE Committee appointed on the Petition of *Christian Van Horn*, Reported thereon. Report on
Petition of
*Christian Van
Horn.*

Read and accepted, and *Resolved*, That there be allowed and paid out of the Province Treasury, the Sum of *forty Shillings*, to *John Worthington*, Esq; for the Petitioner's Use, for the Loss of the Gun mentioned. Sent up for Concurrence.

A Petition of *John Patten* of *Stoughton*, in the County of *Suffolk*, praying an Allowance for a Gun, that his Son *Wm. Patten*, a Soldier in the last *Crown-Point* Expedition, carried with him into the Service, which was lost at the Time of his Death, and for which he received no Consideration : Also Petition of
John Patten.

A Petition of *Joseph Williams*, and others, shewing, that they enlisted into the Service on the first Expedition against *Crown Point*, and pass'd Muster accordingly, at which Time they were promised, that if they would Billet themselves until their Embarkation, they should be allowed *eight Shillings* per Week ; that they accordingly billeted themselves thirteen Days each, for which they have hitherto received no Consideration ; and praying an Allowance therefor. Petition of
*Joseph Wil-
liams, &c.*

Read and *Ordered*, That *Col. Nichols*, *Mr. Morey*, and *Mr. Samuel King*, be a Committee to take the said Petitions under Consideration, and Report thereon respectively.

A Petition of *Moses Pitcher* of *Boston*, in the County of *Suffolk*, shewing that he was in the Service in the Train of Artillery, on the last *Crown-Point* Expedition, and continued therein till he was dismissed sometime in *October 1756*, and bore his own Expences home (except the Time he lay sick at *Marlborough*, which has been paid by the Province ;) and praying such an Allowance may be made him for his said Expences, and for Loss of Time after his Return, till he was able to Labour for his Support, as shall be judged reasonable. Petition of
Moses Pitcher.

Read and *Ordered*, That this Petition be committed to *Capt. Spaulding*, *Capt. Waldo*, and *Mr. Lancaster*, to consider and Report thereon.

A Petition of *Mary Hitchcock*, Widow of *Jonathan Hitchcock*, late of *Brimfield* in the County of *Hampshire*, deceased, setting forth, that *David* the Father of said deceased, in the Year *1754*, conveyed to him a Tract of Land lying in said Town, in order to enable and induce him to support the said *David* and his Wife during their Lives, and took Bonds of the Deceased, accordingly ; that she being now left with three small Children, is incapable of improving the said Lands to any Advantage, either to the Heirs of the Deceased, or for the Support of said *David* & Family ; that the said *David* is ready to give up the Bond, and make an Allowance of what he has received more than the Value of the Rents of said Lands since the Execution of said Deed, and to receive Petition of
*Mary Hitch-
cock.* [*Hitchcock*]

receive back the Lands, had the Power to Reconvey the same; that the Debts of the Deceased exceeding his personal Estate, she has no way to pay the same, but by selling Part of said Real Estate;—and praying, that she may be impowered to make a Conveyance of the said Lands, or such Part thereof, and under such Restrictions, as shall be judged reasonable.

Read and *Ordered*, That Col. *White*, Col. *Buckminster*, and Capt. *Johnson*, be a Committee to consider this Petition, and Report what they judge proper to be done thereon.

Committee
for Choice
of Collect-
ors.

Ordered, That Col. *Williams*, Capt. *Brown*, and Col. *Worthington*, be a Committee to carry up the Votes of the House for Choice of Collectors of the Duties of Excise on spirituous Liquors in the several Counties through the Province, assist in sorting and counting the same, together with the Votes of the honourable Board, and Report the Elections that shall be made. And

Message to
the Board.

Ordered, That Col. *Quincy* go up with a Message to the honourable Board, to acquaint them, That the House are ready to proceed to the Choice of Collectors of the Excise on spirituous Liquors, as soon as the Board please: And that they propose to begin with the County of *Suffolk*.

Who returned, That he had delivered the Message.

Message
from the
Board.

James Bowdoin, Esq; came down from the honourable Board, to acquaint the House, that they are now ready to proceed to the said Choice, and agree to begin in the Manner proposed by the House.

Collectors
chosen for

The Committee appointed for that Purpose, carried up the Votes of the House for a Collector for the County of *Suffolk*, and Reported, That Mr. *Thomas Fletcher* was chosen.

Suffolk.
Essex.

The said Committee carried up the Votes for a Collector for the County of *Essex*, and Reported, That *Daniel Epes*, Jun. Esq; was chosen.

Middlesex.

The said Committee carried up the Votes for a Collector for the County of *Middlesex*, and Reported, That Mr. *John Remington*, was chosen.

Hampshire.

The said Committee carried up the Votes for a Collector for the County of *Hampshire*, and Reported, That Mr. *Gad Lyman* was chosen.

Worcester.

The said Committee carried up the Votes for a Collector for the County of *Worcester*, and Reported, that *Gardner Chandler*, Esq; was chosen.

Plymouth.

The said Committee carried up the Votes for a Collector for the County of *Plymouth*, and Reported, That Mr. *Israel Turner* was chosen.

Barnstable.

The said Committee carried up the Votes for a Collector for the County of *Barnstable*, and Reported, That Mr. *Daniel Davis* was chosen.

Bristol.

The said Committee carried up the Votes for a Collector for the County of *Bristol*, and Reported that Mr. *Seth Williams*, Jun.

was

was chosen : And then informed the House, That the Board proposed, the Choice of Collectors for the remaining Counties might be referred till the Afternoon : Which was agreed to by the House.

The Committee appointed to prepare and bring in an Impost Bill, Reported a Bill Intituled, *An Act for granting unto his Majesty several Rates and Duties of Impost, and Tonnage of Shipping.* Report on
on a Bill.

Which was read a first Time ; and Ordered, That the Bill have a second Reading at three o'Clock Afternoon.

Ordered, That the Committee appointed to consider of some Method for supplying the Treasury with Money to pay the Bounty for inlisting Soldiers for the proposed Expedition against Canada, be directed to sit forthwith, and Report as soon as may be ; and that Mr. Hall, and Col. Fowle, be added to the Committee. Order on
Supply.

The House being informed, That by some Means, the Order pass'd by them the 12th of January last, on the Petition of Christopher Strout and others, Select-Men of the Town of Falmouth, had not been passed on by the other Branches of the Legislature : Order on
Petition of
Christopher
Strout, &c.

Ordered, That Capt. Waldo go up with a Message to the honourable Board, to desire, that the said Petition may be sent down.

Who returned, That he had delivered the Message.

James Minot, Esq; brought down the said Petition, and laid the same on the Table accordingly. Thereupon,

The said Petition, as entred the 18th of August last, was read again, and Ordered, That the same be revived. And

Whereas it appears to this Court, that the Maintenance of the Children mentioned is properly a County Charge :

Ordered, That the Justices of the General Sessions of the Peace for the County of York, be, and hereby are, directed and enjoined to provide for it accordingly, till the said Children can be bound out, or taken Care of by their Parents.

Sent up for Concurrence.

The Memorial of James Cargill, as entred the 14th Instant, was read again ; and Memorial of
James Car-
gill dismiss'd.

Ordered, That the same be dismissed.

Post Meridiem.

John Hill, Esq; came down with a Message from the honourable Board to acquaint the House, That they are ready to proceed in the Choice of Collectors of the Duties of Excise on spirituous Liquors, as soon as the House please. Message
from the
Board.

The Committee appointed for that Purpose, carried up the Votes of the House for a Collector for the County of York, and Reported, That Mr. Daniel Clark, was chosen. Collectors
chosen for
York,

The said Committee carried up the Votes for a Collector for the County of Dukes-County, and Reported, That Mr. Ichabod Wifwall, was chosen. Duke's Coun-
ty.

The said Committee carried up the Votes for a Collector for the County of Nantucket, and Reported, That John Bunker, Esq; was chosen. Nantucket.
Richard

Petition of
John Whittemore, bro't
down.

Richard Cutt, Esq; brought down the Petition of *John Whittemore*. Pass'd in Council, viz. In Council *March* 16th 1758. Read and non-concur'd; and *Ordered*, That the Consideration of this Petition be referred to the second Wednesday of the next *May* Sessions; and that the Petitioner notify the Children of the within named *Ruth Whittemore* of this Petition, by leaving with them an attested Copy thereof, that they may shew Cause (if any they have) why the Prayer thereof should not be granted.

Sent down for Concurrence.

Read and concur'd with the Amendment.

Sent up for Concurrence.

Petition of
Eben. Willis.

A Petition of *Ebenezer Willis*, Captain of a Company of Militia in the Town of *Dartmouth*, in the County of *Bristol*, setting forth, that on Mustering the Men belonging to his Company in *March* last, the same consisting chiefly of *Quakers*, (who refused to appear,) it was impossible for him to furnish the Men required of him, on the Day assigned by Law, and by their afterwards Absconding, he could not Impress a sufficient Number, but was obliged to advance Money to hire Men in order to make up his Quota, Part of which Sum he received of sundry Persons belonging to his Company; but as they refuse voluntarily to pay him the Balance, therefore praying that he may be impowered in some suitable Manner to collect the same from them.

Read and *Ordered*, That *Col. White*, *Capt. Sprague*, and *Mr. Foster*, be a Committee to take this Petition under Consideration, and Report what they judge proper to be done thereon.

Col. Ruggles
directed, &c.

Voted, That no Deputy-Collector of Excise on spirituous Liquors, during the Continuance of the present Excise-Act, shall be exempted from Military Duty; and that *Col. Ruggles* bring in a Clause in the Bill now lying before the House in Addition to the said Act, for that Purpose accordingly.

Petition of
Eben. Eddy,
&c.

A Petition of *Ebenezer Eddy*, and others, of *Oxford*, in the County of *Worcester*, shewing that they enlisted into the Service in *Sept.* 1756, as Minute-Men (so called,) found their own Guns, and marched towards the Army near *Lake-George*, as far as *Westfield*; that they were promised three Dollars Bounty, and a Blanket, but have hitherto received no Part thereof; and praying such an Allowance may be made them as shall be judged reasonable.

Read and *Ordered*, That this Petition be dismissed.

Petition of
Henry Comerford, bro't
down.

Richard Cutt, Esq; brought down a Petition of *Henry Comerford*, praying he may be allowed to Retail spirituous Liquors in the Town of *Glocester*, to enable him more advantageously to carry on his Business of supplying the Fishery there.

Pass'd in Council, viz. In Council *March* 16th 1758. Read and *Ordered*, That the Prayer of the Petition be so far granted, as that the Court of General Sessions of the Peace for the County of *Essex*, to be held at *Ipswich* on the last Tuesday of *March* Instant, be, and hereby are impowered (if they see fit)

to grant the Petitioner a Licence to Retail spirituous Liquors in the Town of *Glocester*, he having already obtained the Approbation of the Select-Men for that Purpose, the Time for granting of Licences being elapsed notwithstanding.

Sent down for Concurrence. Read and concur'd.

Col. *Ruggles*, according to Order, Reported a Clause to be brought into the Bill in Addition to the Excise Act, relating to Deputy Collectors of Excise not being exempted from Military Duty; which was read and accepted: And

Report on
Excise Act.

Ordered, That Col. *Williams*, Col. *White*, and Mr. *Gridley*, be a Committee to make the further Amendments proposed on said Bill.

Ordered, That the Committee appointed to examine the Laws expired or near expiring, be directed to sit forthwith, and Report as soon as may be.

Committee
directed.

The Committee appointed to project a Scheme for a State-Lottery, Reported a Bill Intituled *An Act for supplying the Treasury with Sum of Ten Thousand Pounds*; Which the Chair-man read at his Place, and then delivered in at the Table. And

Bill Report-
ed.

Ordered, That the Consideration of the Bill be referred 'till to Morrow Morning.

Joseph Pyncheon, Esq; brought down the Petition of *John Noyes* and others, as formerly entred, with the Report of a Committee of both Houses thereon. Signed *James Minot*, per Order.

Petition of
John Noyes
bro't down.

Pas'd in Council, viz. In Council *March 15th 1758*. Read and accepted, and Ordered, That this Petition be dismiss'd.

Sent down for Concurrence. Read and concur'd.

The Committee appointed on Petitions from sick & wounded Soldiers, Reported on sundry of said Petitions.

Report on
Petitions of
sick and
wounded
Soldiers.

Read and accepted; and thereupon

Resolved, That there be allowed and paid out of the public Treasury to Capt. *Ephraim Spaulding*, for the Use of *John Warren*, £. 3 2s. 8d. and for the Use of *Wm. Bowers*, £. 3. to *Josiah Johnson*, Esq; for the Use of *Jonathan Parker*, £. 5 4s. 2d. to Mr. *James Humphry*, for the Use of *Joshua French*, £. 3 14s. 8d. and to Mr. *Matthew Noble*, for the Use of *Benoni Sackett*, 40s. being in full Consideration of the Expences in their respective Petitions mentioned.

Sent up for Concurrence.

Ordered, That Col. *Choate* go up with a Message to the honourable Board, to enquire, whether they have passed on the several Votes of the House, for encouraging Persons to enlist into the Service on the intended Expedition against *Canada*?

Message to
the Board.

Who returned, That he had delivered the Message.

Thomas Hutchinson, Esq; came down with a Message from the honourable Board, to acquaint the House, That they have concur'd the Vote relating to the Bounty to Soldiers to encourage their enlisting, and the Establishment of Wages &c. With Regard to the *ten Pounds* Reward proposed by another Vote of the House, to be paid each Soldier after his Return in Case of Success, the Board

Message
from the
Board.

have Non-concurred the same : And, as to the Vote relating to the *six Pence* Sterling per Day allowed for Billeting from the Time of any one's Inlistment 'till he shall receive the King's Allowance, as a Message from both Houses has lately been sent to his Excellency, to desire he would write to General ABERCROMBIE on the Affair, and there being hopes that his Majesty's General will grant the Allowance, the Board thought it most advisable not to pass on it at present, but to let it lie 'till his Excellency receive an Answer.

On a Motion made and seconded by divers Members,
 Message to the Board. *Ordered*, That Col. *Choate*, Col. *Lawrence*, Col. *Quincy*, Capt. *Williams*, and Mr. *Bacon*, be a Committee to go up with a Message to the honourable Board, to desire they would Reconsider their Vote of Non-concurrence with the Vote of the House granting a Reward of *ten Pounds* to such as shall proceed in the Service, on the proposed Expedition against *Canada*, after their Return, in Case of Success.

Who returned, That they had delivered the Message.

Then the House adjourn'd till to Morrow Morning ten o'Clock.

Sabbati 18. Die Martii, A. D. 1758.

Petition of
Joshua Ward,
 bro't down.

R *Ichard Cutt*, Esq; brought down a Petition of *Joshua Ward*, praying, he may be allowed to Review an Action brought against him as Agent for *John Ward* on the Act relating to Absconding Debtors, by *Richard Darby*, wherein the said *Richard* recovered Judgment against him for the Sum demanded, altho' at the Time of the Service of said Writ, he had not sufficient of the Effects of the said *John's* in his Hands to Answer another Demand against him, on an Action then depending. Pass'd in Council, *viz.* In Council *March* 16th 1758. Read and *Ordered*, That the Petitioner serve the adverse Party with a Copy of this Petition, that he shew Cause (if any he have) on Friday the 24th Instant, if the Court be then Sitting, if not, on the second Friday of the next Sitting of this Court, why the Prayer thereof should not be granted. Sent down for Concurrence.

Read and non-concur'd ; and *Ordered*, That the Petition be dismiss'd. Sent up for Concurrence.

Report of a
 Vote relating to the
 French Neutrals.

The Committee appointed to consider of some Method to ease the Province of the Charge of supporting the *French* Inhabitants of *Nova Scotia*, now in the Province, Reported according to Order. Read and accepted ; and

Voted, That Dwelling-Houses be provided for the late Inhabitants of *Nova-Scotia* now in the Province this Year, as heretofore ; that the Sick, Infirm and Aged, who cannot Labour, be maintained at the Expence of this Government, as heretofore ; and that all able-bodied Persons be obliged, after the fifteenth Day

Day of *April* next, until the further Order of this Court, to maintain themselves and Families ; and that the Select-Men of the several Towns where they are, upon their Desire, assist them to Employment, and take Care they are not defrauded ; and that the Members of the House be directed to inspect the Circumstances of Age, Infirmary, Sickness, Orphanship and Ability of such Persons, in their respective Towns, and the Towns next adjoining where there is no Representative, and Report to this Court at the next Sitting. Sent up for Concurrence.

John Hill, Esq; brought down the Memorial of *John Jeffries* and *Samuel Danforth*, Esqrs, with the Report of a Committee of both Houses thereon. Signed *John Cushing*, per Order.

Report on
Memorial of
John Jeffries
and *Samuel*
Danforth,
Esqrs;

The said Report is as follows, viz.

The Committee are of Opinion, That before any other Measures than those which the Commissioners are now taking, be gone into, whether by Assessment or otherwise, for Redeeming the Manufactory Bills (so called) which are still outstanding, it will be expedient, if not necessary, that a more full Knowledge be had of the Sum of those Bills, which yet remains to be Redeemed : And, in order thereto, that the Possessors of those Bills be obliged to produce or bring them to the said Commissioners, within some certain Time, to be limited for that Purpose, to be again returned to the Owners or Possessors, after an Account of them has been taken by the Commissioners, and some distinguishing Mark set upon them, by which they may be thereafter known ; and, that every Person, who, after the Expiration of such Term, shall tender or offer to be exchanged any Manufactory Bills, other than such as shall be so produced within such limited Time, be subjected to such Penalty, as the Wisdom of this Court shall assign ; and that a Bill be prepared accordingly :—And as touching the Lottery mentioned, and proposed in said Memorial, the Committee are of Opinion, That in the present Situation of the public Affairs, the granting the same at this Time may be attended with Inconvenience.

Pass'd in Council, viz. In Council *March* 18th 1758.

Read and accepted. Sent down for Concurrence.

Read and concur'd ; and Ordered, That the Committee appointed on the said Memorial, prepare and bring in a Bill for the Purposes mentioned, and that Col. *Worthington* be of the Committee in the Room of Col. *White*, who is absent.

Sent up for Concurrence.

A Petition of *Seth Hudson*, and others, of a Place called *West-Hoosuck*, in the County of *Hampshire*, setting forth, That there having never been sent by the Government a sufficient Quantity of Powder and Lead, to enable them to withstand an Attack from the Enemy, they have purchased a Quantity for themselves, & got it conveyed to them at their own Charge ; and praying, that they may

Petition of
Seth Hudson,
&c.

may be Reimbursed the Expence they have been at herein, and also that they may be allowed a suitable Quantity of Shot for their Cannon and Swivel Guns ; and such other Stores of Ammunition as shall be thought reasonable.

Read and *Ordered*, That Col. *Marcy*, Capt. *Livermore*, and *Caleb Cushing*, Esq; be a Committee to take this Petition under Consideration, and Report thereon ; and that the Committee consider of, and Report what Quantity of Powder & Ball it may be necessary that each Man, in the Service on the Frontiers, should be supplied with, in order to their being properly Exercised, and their Arms kept in good Order.

Petition of
Abra. Hill.

A Petition of Mr. *Abraham Hill*, in Behalf of the Inhabitants of a Place called *Road-Town*, in the County of *Hampshire*, setting forth, That by Reason of their not being incorporated as a Town or District, nor qualified to chuse Assessors and Collectors, they have not been able to raise the Province and County Taxes, agreeable to the Warrants to them directed ; and praying, that in Consideration of their Poverty, and small Number of Inhabitants, they may be excused from paying the Taxes already assigned them, and also from any other than the necessary Taxes for supporting the Gospel, and other Charges arising among themselves, for so long a Time as shall be judged reasonable.

Read and *Ordered*, That this Petition be committed to the Committee appointed on the Petition of *David Osgood* & others, Proprietors of said Township, as entred the 9th Instant, to consider and Report thereon.

Report on
Petition of
Eliphalet Hol-
brook.

The Committee appointed on the Petition of *Eliphalet Holbrook*, Reported thereon.

Read and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury, to the Petitioner, the Sum of *thirteen Pounds seven Shillings & three Pence*, being the Wages due to his said Son, as made up in the Muster-Roll of the Company he belonged to on the last *Crown-Point* Expedition.

Sent up for Concurrence.

Report on
Petition of
Wm. Daven-
port.

The Committee appointed on the Petition of *William Davenport*, Reported thereon.

Read and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury, to the Petitioner, the Sum of *twenty seven Shillings & seven Pence*, being the Wages of a private Soldier for three Weeks and two Days, the Time he was in the Service on the last Expedition against *Crown-Point*.

Sent up for Concurrence.

Committee
to wait on
Governor
Lawrence.

On a Motion made and seconded, *Ordered*, That Judge *Russell*, Col. *Gerrish*, and Mr. *Gridley*, with such as the honourable Board shall appoint, be a Committee to wait upon his Excellency Governor LAWRENCE, and lay before him the Accounts of the Charge arisen to the Province by Means of the *French* Inhabitants of *Nova-Scotia*, who came here from the Southern Governments, and pray a Reimbursement of the same.

Sent up for Concurrence.

A

A Bill Intituled *An Act for granting unto his Majesty several Rates and Duties of Impost, and Tonnage of Shipping.*

Bill Engros'd.

Read a second and third Time, and pass'd to be Engros'd.

Sent up for Concurrence, by Mr. *Flucker*, Dr. *Sayer*, and Major *Ward*.

A Petition of *Philip Goodrich* of *Lunenburg*, in the County of *Worcester*, setting forth, That being appointed a Lieutenant in the last *Crown-Point* Expedition, he was ordered by his Captain, when he marched with Part of his Company, to tarry behind, and collect the Remainder of his Men, which he accordingly did, and marched with them, and some others he received the Care of at *Worcester* and *Springfield*, as far as *Albany*, where he was taken sick, and lay confined for about three Weeks, during which Time, the Men he had the Care of, were ordered to join the Army; and after his Recovery, understanding all the Companies were supplied with Officers, he returned Home, that he was at considerable Expence in said Service, but is not born in any Muster-Roll for Pay; and praying, that he may receive an Allowance for his Services as shall be judged meet.

Petition of *Phillip Goodrich*.

Read and Ordered, That Col. *Lawrence*, Mr. *Lancaster*, and Mr. *Jordan*, be a Committee to consider this Petition, and Report what they judge proper to be done thereon.

The Committee appointed to consider of some Method for supplying the Treasury with Money to pay the Bounty proposed, to such as shall enlist in the intended Expedition against *Canada*, Reported verbally, That they were of Opinion the Treasurer should be enabled to borrow a Sum of Money for that Purpose:— Which Report was accepted; and thereupon,

Committee for a Bill.

Ordered, That the said Committee prepare and bring in a Bill accordingly.

Samuel Watts, Esq; brought down the Impost-Bill. Pass'd in Council, viz. In Council March 18th 1758.

Bill bro't down, and read.

Read a first and second Time, and pass'd to be Engros'd, with the Amendments at A, B & C. Sent down for Concurrence.

Read and concur'd.

The Committee appointed to make the Amendments proposed on the Bill in Addition to the Excise-Act on spirituous Liquors, Reported according to Order.

Report on Excise-Act.

Read, and the further Consideration of the Bill, was referred 'till the Afternoon.

A Petition of *Timothy Burbank*, shewing, that he was employed to raise Part of a Company for the intended Expedition against *Crown-Point* in 1756, which he performed, but was detained in *Boston* for want of Accoutrements for his Men, from the 3d, to the 14th of May, at his own Expence; and praying, that he may be allowed what shall be judged an adequate Satisfaction therefor.

Petition of *Timothy Burbank*.

Read and Ordered, That this Petition be committed to Capt. *Benjamin Milliken*, Capt. *Livermore*, and Col. *Nichols*, the Com-

B b b b b

mittee

mittee appointed on the Petition of *John Wright*, and the said *Timothy*, as entred the 3d of *December* last, to consider, and Report thereon.

Post Meridiem.

Report on
Petition of
Moses Pitcher.

The Committee appointed on the Petition of *Moses Pitcher*, Reported thereon.

Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury, *thirteen Shillings and four Pence* to the Petitioner, in full for his Expences on his Return home from the last *Crown-Point* Expedition.

Sent up for Concurrence.

Bill En-
gross'd.

The House Re-assumed the Consideration of the Bill Intituled, *An Act in Addition to the Act Intituled, An Act for granting unto his Majesty an Excise on Spirits distilled, and Wine, and upon Limes, Lemmons and Oranges* : And the Amèndments thereon being accepted, the said Bill was read again, and pass'd a Concurrence to be Engross'd, with the Amèndments.

Sent up for Concurrence.

Bill En-
gross'd.

A Bill Intituled *An Act for supplying the Treasury with the Sum of Ten Thousand Pounds*.

Read a second and third Time, and pass'd to be Engross'd.

Sent up for Concurrence, by Capt. *Brown*, Col. *Marcy*, and Capt. *Waldo*.

Report of a
Bill.

The Committee appointed to consider of some proper Method for supplying the Treasury with Money to pay the Bounty voted for Encouragement of Soldiers to enlist for the proposed Expedition against *Canada*, Reported a Bill Intituled, *An Act empowering the Treasurer to borrow Twenty Eight Thousand Pounds*.

Read a first Time ; and *Ordered*, That the Bill have a second Reading on Monday next, at Eleven o'Clock in the Forenoon.

Then the House adjourn'd till Monday next ten o'Clock in the Forenoon.



V O T E S

Of the House of Representatives.

Lunæ 20. Die Martii, A. D. 1758.

Engross'd Bill Intituled, *An Act for granting unto his Majesty several Rates and Duties of Impost, and Tonnage of Shipping.* Impost-Bill Enacted.
Read and Resolved, That the Bill pass to be Enacted.

John Hill, Esq; brought down the following Vote of Council, viz. In Council March 20th 1758.
Ordered, That Thomas Hutchinson, and James Bowdoin, Esqrs; with such as the honourable House shall join, be a Committee to project the Scheme of a Lottery for the Benefit of the Government, upon the present Emergency of Affairs.

Vote of Council relating to a Lottery bro't down.

Sent down for Concurrence.

Read and concur'd; and Col. Worthington, Mr. Flucker, and Mr. Foster, are joined in the Affair.

Mr. Speaker communicated to the House, a Letter he had just received from Mr. Agent Bollan, dated Lisle-Street, January 14. 1758. Which was read, together with the Papers accompanying the same. Letter communicated.

The Accounts of the Guardians of the Mashpee Indians, were presented for Allowance, and (by Leave of the House) laid on the Table:— And Guardians of Mashpee Indians Accounts.

Ordered, That Dr. Sayer, Mr. Foster, and Mr. Paine, be a Committee to examine the said Accounts, and Report.

A Bill Intituled, *An Act empowering the Treasurer to borrow* Twenty Eight Thousand Pounds.

Read a second Time, and Ordered, That the Bill have a third Reading at four o'Clock this Afternoon.

Supply-Bill read.

The Committee appointed the last Sessions on the Petition of Duncan Campbell, Esq; as entred the 12th of December last, Reported according to Order. Report on Petition of Duncan Campbell, Esq

Read, and accepted, and Resolved, That there be allowed and paid out of the public Treasury to the Petitioner, the Sum of

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five

five Pounds nine Shillings and four Pence, in Addition to the former Allowance made him, and in full Consideration for his keeping the French People mentioned. Sent up for Concurrence.

Post Meridiem.

Report of a
Committee
relating to a
Supply.

The Committee, on the Part of the House, appointed to project a Scheme for a Lottery for the Benefit of the Government, Reported verbally, that they had conferred with the Committee on the Part of the Board; that the Committee were of Opinion, there might be borrowed the Sum of 100,000 Dollars, the Amount of the Benefit Tickets to be lent the Government on Interest at *six per Cent.* to be paid at furthest by a Tax to be bro't in, in the Year 1761. Which Report was accepted; and

Ordered, That the said Committee on the Part of the House, prepare and bring in a Bill accordingly.

A Bill Intitl'd *An Act empowering the Treasurer to borrow* Twenty Eight Thousand Pounds.

Read a third Time, and pass'd to be Engros'd.

Sent up for Concurrence, by Dr. *Sayer*, Col. *Norton*, and Capt. *Henry King*.

Report on
Militia-Act.

The Committee appointed to examine the Militia-Act lately passed this Court, and consider what may be proper to be done with Regard to suspending the Operation thereof in some Measure for a certain Time, Reported the following Draught of a Resolve: Which was read and accepted, *viz.*

Whereas the great Scarcity of Labourers, which will be the natural Consequence of so large a Body of Forces as are raised, and to be raised for his Majesty's Service within this Government the present Year, renders the Suspension of the immediate Operation of the Act of this Court, made and passed in their last Session, Intitl'd An Act in Addition to the several Acts of this Province for Regulating the Militia, absolutely necessary: Therefore,

Resolved, That the Captain or chief Officer of each Military Foot Company, and the Captain or chief Officer of each Troop or Military Company of Horse, be and hereby is, and shall be, exempted from the Duties enjoined upon him by said Act, in all Respects, except providing the Non-commission Officers and Soldiers with Bayonets, until the first Monday in *October* next, and shall not be subjected to the Penalties therein contained, for any Neglect or Breach of his Duty; any Thing in said Act to the contrary notwithstanding. Sent up for Concurrence.

Report on
Lottery Bill.

The Committee appointed to bring in a Bill for raising a Sum of Money by Lottery for the Use of the Government, Reported a Bill Intitl'd, *An Act for supplying the Treasury with a Sum of Money by Lottery*:— Which was read a first Time; and

Ordered, That the Bill have a second Reading at ten o'Clock to Morrow Morning.

Joseph

Joseph Pyncheon, Esq; brought down the Petition of *Thomas Josselyn*. Pass'd in Council, viz. In Council March 20. 1758. Petition of *Tho. Josselyn*, bro't down.

Read again, together with the Answer of *John Fayerweather*, Esq; and the other Papers accompanying the same; and Ordered, That the Petition be dismiss'd.

Sent down for Concurrence. Read and concur'd.

On a Motion made and seconded, Voted, That the Commissary-General be directed forthwith to procure a suitable Number of good Blankets for the Forces proposed to be raised by this Government, for the intended Expedition against *Canada*. Commissary directed.

Sent up for Concurrence.

James Bowdoin, Esq; brought down a Petition of *Nathanael Ray Thomas*, praying, that the Bond he gave to indemnify the Province from any Charge arising from certain of the late *French* Inhabitants of *Nova-Scotia*, during their Abode in the Province, may be delivered up and cancelled, and he discharged from any further Care of them, his Contract with them being limited to one Year by his Majesty's Council, which Term is now expired; and the said *French* People being uneasy at staying any longer with him, refusing to do any Work, and behaving with Insolence to him and his Family: Together with a Petition of *Charles Miuse*, and *Paul Clermont*, complaining of Breach of Contract on the Part of the said *Thomas*, in not providing them with suitable Cloathing, and otherwise ill treating them; and praying Relief: Pass'd in Council, viz. In Council March 20th 1758. Petition of *Nath. Ray Thomas*, bro't down.

Read, together with the Petition of the *French* Persons above-mentiond, and other Papers accompanying the same; and

Ordered, That *John Cushing*, Esq; with such as the honourable House shall join, be a Committee to enquire into the Affair, and Report what they judge proper for this Court to do thereon.

Sent down for Concurrence.

Read and concur'd; and Col. *Quincy*, and *Joseph Cushing*, Esq; are joined in the Affair.

Then the House adjourn'd till to Morrow Morning Nine o'Clock.

Martis 21. Die Martii, A. D. 1758.

THE Committee appointed on the Petition of *Philip Goodrich*, by Leave of the House, laid the same on the Table again without Report. Report on Petition of *Philip Goodrich*. And

Ordered, That the Consideration of the Petition be refer'd 'till the next Sitting of the Court, for further Enquiry.

The Committee appointed on the Petition of *Nathan Hoskins*, made a verbal Report: Report on Petition of *Nathan Hoskins*. And thereupon,

Voted, That Capt. *Sprague*, who presented the Petition, have Leave to withdraw the same.

On

Message to
the Board.

On a Motion made and seconded, *Ordered*, That Mr. *Noble* go up with a Message to the honourable Board, to enquire whether they have passed on the Vote of the House for an Establishment of Pay and Subsistence of those of the Militia that marched for the Relief of Fort *William-Henry* the last Summer?

Petition of
John Burk.

Who returned, That he had delivered the Message.

A Petition of *John Burk*, in Behalf of sundry of the Inhabitants of the Township called *Fall-Town*, in the County of *Hampshire*, setting forth, that by Reason of their great Exposedness to the Cruelty of the Indian Enemy, they are unable to make such Improvement of their Lands as is sufficient for the Support of themselves and Families; and praying, that they may be kept in the constant Pay of the Government to prevent their quitting their Settlements, which they must otherwise be obliged to do. Also,

Petition of
Tho. Morris,
&c.

A Petition of *Thomas Morris*, and others, Inhabitants of a Place called *Colrain* in said County, praying, That they (or such a Number of them as shall be judged reasonable) may be put into the Pay of the Government as Soldiers, they being brought into such difficult Circumstances by their exposed Situation in this Time of War, as that they are unable, without some Relief, to support themselves and Families.

Read and *Ordered*, That the said Petitions lie on the Table, 'till an Establishment for the Frontiers be taken under Consideration.

Petition of
Joshua Partridge.

A Petition of *Joshua Partridge* of *Medway*, in the County of *Suffolk*, in Behalf of himself and the other Heirs of *Samuel Partridge*, deceased, setting forth, that since the Decease of the said *Samuel*, there have three Deeds come into their Hands, which were never acknowledged nor recorded; that the Possession of the Lands conveyed thereby, hath been in his Ancestor ever since the Date of said Deeds, but the Grantors and Witnesses are all dead, and there is no Provision made by Law whereby the Execution of said Deeds can be proved, in order to their being Recorded, which, if not done, may prove very prejudicial to the said Heirs; therefore praying, that the Inferior Court of Common Pleas for the said County, may be empowered to hear the Proof they have to offer in Confirmation thereof, and if they see fit, to approve the said Deeds, that the same may be recorded.

Read and *Ordered*, That Col. *Lawrence*, Capt. *Sprague*, and Mr. *Bradbury*, be a Committee to take this Petition under Consideration, and Report thereon.

Petition of
Wm. Winter.

A Petition of *William Winter* of *Boston*, in the County of *Suffolk*, setting forth, that some Years since, he had a Quantity of Money stolen from him by a Servant Maid, who confessed the Fact, and, on search made, Part of it was discovered, but on his going to a Justice for a Warrant, she Absconded; that very lately he discovered, in an old Desk, (which had been for several Years laid by useless) a small Bundle of Paper Bills, on this Province; and praying, that the Treasurer may be allowed to exchange the same.

Read

Read and *Ordered*, That the Prayer of this Petition be granted; and that the Treasurer be, and he hereby is, directed to pay the Petitioner the Sum of *thirteen Pounds seven Shillings and six Pence half Penny*, for *One Hundred Pounds six Shillings and eight Pence*, in Bills of Credit on this Province of the old Tenor, on the Petitioner's delivering to the said Treasurer the said Sum in old Tenor Province Bills, or in other Bills of this Province equivalent.

Sent up for Concurrence.

A Bill Intituled, *An Act for supplying the Treasury with a Sum of Money by Lottery*. Bill read and refer'd.

Read a second Time, and after some Debate thereon, the Consideration of the Bill was referred 'till the Afternoon.

An Engros'd Bill Intituled, *An Act empowering the Treasurer to borrow Twenty Eight Thousand Pounds*. Bill Enacted.

Read and *Resolved*, That the Bill pass to be Enacted.

The House took under Consideration the Report of the Committee on the Petition of *Timothy Paine*, Esq; as entred the 6th of *January* last: Which was thereupon read again, and accepted; and Resolve relating to Stamps, &c.

Resolved, That all Persons in this Province, who purchased any stamp'd Paper or Blanks of the Commissioner of the Stamps, during the Continuance of the late Act for that Purpose, and who were possessed of the same, or any Part thereof, unimprov'd, at the Expiration of said Act, shall, upon Application to the said Commissioner, have the Value of said Stamps paid or remitted to them, the Account of such Stamps being presented under Oath to said Commissioner, within six Months from this Time.

Sent up for Concurrence.

The House being informed, that a Number of Petitions from sick and wounded Soldiers, and others, which were passed upon by the two Houses, were, in the Time when the Government devolved on his Majesty's Council, by some Oversight, left unsigned by a Majority of the Council, by Means whereof, the Persons interested cannot receive the Advantage of their respective Grants, a List of which was laid on the Table. Order relating to Soldiers Pay.

Thereupon *Ordered*, That Capt. *Spaulding*, Mr. *Sumner*, and Mr. *Paine*, be a Committee to examine the said List, repair to the Treasurer's, and enquire whether none of the said Persons therein mentioned, have received any Sums of Money out of the Treasury since the passing the said Votes, and Report.

The Committee appointed on the Petition of *Joshua Partridge*, made a verbal Report thereon: Which not being accepted by the House, Report on Petition of Joshua Partridge.

Voted, That Capt. *Coolidge*, who presented the Petition, have Leave to withdraw the same.

A Petition of *Joseph Whipple* of *Grafton*, in the County of *Worcester*, setting forth, That he had a Negro Servant enlisted into the Service on the last *Crown-Point* Expedition, who after he was dismissed from the Army, was detained at *Albany* by *John Foye*, Petition of Joseph Whipple.

Foye, Esq; till being Sick and Lame, he was the latter End of *December* discharged ; that being unable to travel, he paid four Dollars for bringing him Home ; that he lay sick most of the Winter following, and has been of little or no Service to him since, nor is ever like to be ; and praying, such an Allowance may be made him for his said Expences, the Loss of his said Servant's Time, and for a Coat stolen from him at *Albany*, as shall be judged meet.

Read and *Ordered*, That the Petition be dismiss'd.

Message
from the
Board.

William Brattle, Esq; came down with a Message from the honourable Board, to acquaint the House, That they have the Vote of the House relating to an Establishment for the Militia that marched for the Relief of Fort *William-Henry* the last Fall, now under Consideration.

Vote rela-
ting to
Militia-Bill,
bro't down.

William Brattle, Esq; brought down the Vote of the House for suspending in Part the Operation of the late Militia Act. Pass'd in Council, *viz.* In Council *March* 21st 1758. Read and concur'd with the Amendment at A. Sent down for Concurrence.

Read and concur'd with the further Amendment.

Sent up for Concurrence.

Report on
Petition of
Simon Gookin,
&c.

The Committee appointed on the Petition of *Simon Gookin*, and others, as entred the 10th of *January* last, Reported according to Order.

Read and accepted, and *Ordered*, That the Prayer of the Petition be so far granted, as that *Enoch Freeman*, Esq; be, and hereby is, directed to pay to the Complainants the several Sums respectively due to them on Capt. *Joseph Ingersoll's* Muster-Roll mentioned, together with the Interest due thereon.

Sent up for Concurrence.

The House being informed, That the Resolve pass'd the 24th of *January* last, on the Petition of *Ebenezer Wallis*, and other Petitions from sick and wounded Soldiers, was by some Oversight, not passed on and complicated the last Sessions :

Message to
the Board.

Ordered, That Dr. *Sayer* go up with a Message to the honourable Board, to desire that the said Petitions, with the Resolve of the House thereon, may be sent down.

Who returned, 'That he had delivered the Message.

Report on
Petitions
from sick &
wounded
Soldiers.

Richard Cutt, Esq; brought down the said Petitions, &c. and laid the same on the Table accordingly. Thereupon

Ordered, That the said Petitions of *Ebenezer Wallis*, and others, be revived : And *Resolved*, That there be allowed and paid out of the public Treasury to *Moses Marcy*, Esq; for the Use of *Ebenezer Wallis*, £. 3 15s. To Capt. *Henry King*, for the Use of *Wm. Pulsipher*, £. 5 4s. To Mr. *Richard Bailey*, for the Use of *George Forrest*, 30s. to Mr. *Jonathan Doan*, for the Use of *Hannah Lewis*, £. 4 16s. 8d. and to Mr. *Fellows Billing* for the Use of *Setb Lyman*, £. 4. being in full Consideration for the Expences in their Petitions mentioned. Sent up for Concurrence.

Post

Post Meridiem.

On a Motion made and seconded, *Ordered*, That Mr. *Paine*, Committee for a Bill. Dr. *Sayer*, and Capt. *Sprague*, be a Committee to prepare and bring in a Bill, at the next Sitting of the Court, to confirm such Deeds as thro' Unacquaintance with the Law relating to Stamps, were wrote on unstamped Paper, or on Paper &c. with a Stamp different from what was required by said Act.

The House Re-assumed the Consideration of the Bill Intituled *An Act for supplying the Treasury with a Sum of Money by Lottery*; Debate on Supply-Bill. And after a Debate thereon, The Question was put,

Whether it be the Mind of the House to proceed to fill up the Blanks in said Bill? And, It pass'd in the Negative.

And *Voted*, That the further Consideration of a Lottery, for the Benefit of the Government, be referred 'till the next Sitting of the Court.

The Committee appointed to examine the Laws that are expired or near expiring, Reported thereon. Order for a Bill.

Read and *Ordered*, That the Committee prepare and bring in a Bill for reviving and continuing the same.

A Petition of *John Burnall*, and others, Inhabitants of *Hobbs* Petition of John Burnall, &c. and *Pierston Town*, so called, in the County of *York*, setting forth, That they are situated in the most exposed Part of said County, and by the continual Danger they are in from the Enemy, are unable to raise any Thing for the Support of themselves & Families, and must long since have been obliged to quit their Settlements, had it not been for the Pay and Subsistence they have at sundry Times received from the Province; but that having ceased the Winter past, they are now reduced to the utmost Difficulties; and praying that their distressed Circumstances may be considered, and they, or such a Number of them, and in such a Manner as shall be tho't meet, may be again received into the Service of the Government.

Read and *Ordered*, That the Petition lie on the Table 'till an Establishment for the Frontiers be taken into Consideration.

The Committee appointed on the Petition of *Seth Hudson*, and others, of *West-Hoosuck*, Reported according to Order. Report on Petition of Seth Hudson, &c.

Read and accepted, and *Resolved*, That the Prayer of this Petition be so far granted, as that there be granted and paid out of the public Treasury, to the said *Isaac Searl*, the Sum of *fifteen Pounds one Shilling & five Pence*, in full for the Powder and Lead mentioned, which he supplied the Garrison of *West-Hoosuck* with, and delivered to *Seth Hudson*, the said *Hudson* to be accountable therefor. Sent up for Concurrence. And

Voted, That each Garrison Soldier in Pay of this Province, be allowed one Pound of Powder, and one Pound and an half of Lead per Year, & that the Scouting Parties on the Frontiers be allowed, each Man, one Pound and an half of Powder, and two Pounds of Lead

Lead per Year, in order to the Soldiers being properly exercised, and their Arms kept in good order ; and that his Excellency the Captain-General be desired to give Directions for delivering the same accordingly. Sent up for Concurrence.

Committee
to examine
Records, &c.

On a Motion made and seconded, *Ordered*, That Mr. *Foster*, Mr. *Paine*, and Mr. *Humphry*, be a Committee to examine the Records of the Court relating to the Soldiers on the last Campaign returning their Arms, and consider what is proper to be done with Regard to the Arms of such as were at the Capitulation at Fort *William-Henry*, and Report the Draught of a proper Vote to be passed thereon.

Then the House adjourn'd 'till to Morrow Morning ten o'Clock.

Mercurii 22. Die Martii, A. D. 1758.

Petition of
Eben. Norcutt

A Petition of *Ebenezer Norcutt* of *Middleboro'*, in the County of *Plymouth*, shewing, that he being a Soldier in the last *Crown-Point* Expedition, was ordered to *Albany* to Nurse the Sick in the Hospital there, where he was unfortunately taken up and imprisoned ; that he would have taken his Arms with him from the Hospital, but was forbid by the Overseer : notwithstanding which, *four Pounds* is stopped out of his Wages, for his not returning the same ; and praying, that he may be allowed to receive his whole Wages.

Read and *Ordered*, That Col. *Buckminster*, Col. *Gerrish*, and Col. *Lawrence*, be a Committee to take this Petition under Consideration, and Report thereon.

Vote relating to the
Return of
Soldiers
Arms.

The Committee appointed to prepare the Draught of a Vote relating to the Return of such Soldiers Arms, as were at the Capitulation at Fort *William-Henry* the last Campaign, Reported the following Vote : Which was read and accepted, *viz.*

Whereas, by the Order of this Court passed the first of December last, directing the several Officers in the late Expedition, under the Command of his Excellency the Earl of Loudoun, in making up their several Muster-Rolls, to charge each Soldier that did not return his Arms and Accoutrements thereto belonging, two Pounds ten Shillings, to be deducted out of his Wages, unless such Soldier make it evident by his own Oath, or the Oaths of some other Persons, that such Arms were inevitably lost, or detained by lawful Authority ; but no Direction who shall swear such Soldier : Therefore,

Voted, That the Province Treasurer be, and hereby is, impowered and directed, in paying off the Soldiers, to administer the Oath to them ; and the several Justices of the Peace in the Province, upon Application made to them, are likewise impowered & directed to administer the Oath to said Soldiers, and give Certificate of the same, free of Charge, or the Town or District Clerk where there is no Justice of the Peace ; and, that the Province Treasurer be directed to pay the Soldiers, upon Receipt of such Certificate, without

without Deduction for Arms &c. and that the Parents, Masters, and proper Representatives of such Soldiers as died in the Expedition, were taken Captive, or are since dead, upon their making it evident by the Oath of Witnesses, or swearing that they have not received such Soldiers Arms, but verily believe they were lost or returned to the Officers; the said Treasurer is hereby directed to pay such Parents, Masters, or proper Representatives, the Wages due on the several Muster-Rolls, without any Deduction for Arms &c.

And further Voted, That the Province Treasurer and others, Further impowered to swear the said Soldiers, be directed to require of them, to give an Account upon Oath, whether the Guns they carried into the said Service, were the KING's Arms, their own, or received of the Province. Vote.
Sent up for Concurrence.

Richard Cutt, Esq; brought down the Petition of *David White*, as entred the 3d of *December* last, with the Papers accompanying the same. Pafs'd in Council, viz. In Council *March* 21. 1758. Petition of David White, bro't down.

Read again, together with the several Answers; and *Ordered*, That this Petition be dismiss'd. Sent down for Concurrence.

Read and non-concur'd; and *Ordered*, That *Mr. Tyng*, *Mr. Paine*, and *Col. Lawrence*, with such as the honourable Board shall join, be a Committee to take this Petition, with the Answers thereto, accompanying the same, together with the Petition of *David Osgood* and others, under Consideration, in the Recess of the Court, and Report at the next Sitting, what they judge proper to be done thereon. Order thereon.
Sent up for Concurrence.

Gamaliel Bradford, Esq; brought down the Bill in Addition to the Act for granting an Excise upon Spirits distilled & Wine &c. Bill bro't down and read.
Pafs'd in Council, viz. In Council *March* 22d 1758. Read and concur'd with the further Amendment at B.

Sent down for Concurrence. Read and concur'd.

A Bill Intituled *An Act for Regulating the Proprietors of the Meadow and Flat Ground within the Cove, called the Little-Harbour, in the Township of Hingham, in the County of Suffolk.* Order on a Bill.

Read a first Time; and *Ordered*, That the Bill have a second Reading at three o'Clock Afternoon.

A Petition of *Robert Eastabrooks* and *Jonathan Harris*, Jun. of *Concord*, in the County of *Middlesex*, Complaining of sundry unjustifiable Proceedings in the commanding Officer of their Company, relative to their Dismission from the Army at *Fort-Edward* the last Fall, and the withholding Part of their Subsistence on their Return home; and praying, that the Affair may be taken into Consideration, and such Relief afforded them as shall be judged proper. Petition of Robert Eastabrook.

Read and *Ordered*, That this Petition be committed to the Committee on Frauds, the said Committee to make Enquiry into the Facts suggested; consider the Petition, and Report what they judge proper to be done thereon.

Petition of
John Hawks.

A Petition of *John Hawks* of *Colrain*, in the County of *Hampshire*, Lieutenant in the Province Service on the Frontiers, shewing, that on his receiving Intelligence, in *April* last, of a Party of the Enemy's marching towards the Frontiers, he sent two Persons to inform the Garrison at *Fort-Massachusetts* thereof, and furnished them with Horses, one of which was his own, and was kill'd by the Enemy at *Charlemont*, whilst in said Service ; and praying an Allowance for the same.

Read, and Ordered, That Col. *Marcy*, Mr. *Foster*, and *Edward Milliken*, Esq; be a Committee to take this Petition under Consideration, and Report thereon.

Message
from the
Board relating
to the
Militia.

Mr. Secretary *Oliver* brought down the Vote passed the two Houses for suspending the Operation of the late Militia Act in Part ; and informed the House, that he had laid the same before his Excellency, but that he had not seen Cause to give his Consent thereto : That in Consequence of his Excellency's Refusal, the Board had substituted another Vote in Stead of it, which they apprehended might Answer the End proposed, and not be liable to his Excellency's Objections with Regard to the other Vote :—And that the Board had directed him to lay the same before the House.

The said Vote is as follows, viz.

In Council *March* 22d 1758.

Whereas the great Scarcity of Labourers, which will be the natural Consequence of so large a Body of Forces as are rais'd and to be rais'd for his Majesty's Service within this Government the present Year, makes it necessary, that such as are left be not called off from their Labour :

Voted, That his Excellency be desired not to require any Musters or Trainings, according to the late Act, Intituled *An Act in Addition to the several Acts of this Province for Regulating the Militia*, until the last Monday in *October* next, except in Case of an Invasion of the Enemy :

And be it further Resolved, That all Persons in Consequence hereof, be exempt from all Penalties by said Act inflicted, for Neglect of the Military Exercises and View of Arms therein enjoined on those three Days, except in Cases of Alarm.

Also Resolved, That when the Oath, by said Act required to be taken by the several Captains or Chief Officers, shall be administered, Reference in such Oath be had to the Duties by said Act enjoined, as qualified and limited by this Order.

Sent down for Concurrence.

Read, and Ordered, That Col. *Choate*, Mr. *Tyng*, and Capt. *Livermore*, be a Committee to prepare the Draught of a proper Vote to be substituted in the Room thereof, and Report.

Post Meridiem.

Vote of
Council
bro't down.

Gamaliel Bradford, Esq; brought down the following Vote of Council, viz. In Council *March* 22d 1758.

Ordered,

Ordered, That *Benjamin Lincoln*, and *Robert Hooper*, Esqrs; with such as the honourable House shall appoint, be a Committee to prepare an Account of the Charge this Province has been at in subsisting the Forces in the Service the last Year, from the Time of their being discharged, or of receiving the King's Provisions, until their Return to their respective Habitations; and that the Expence of each Man be particularized, and the whole put into Form, in Order to such further Steps, as shall be judged proper, being taken by this Court for a Reimbursement.

Sent down for Concurrence.

Read and concur'd; and *Mr. Tyng*, Col. *Worthington*, and Col. *Lawrence*, are joined in the Affair.

The Committee appointed on the Petition of *Timothy Burbank*,
Reported thereon.

Report on
Petition of
Timothy Burbank.

Read and accepted. and *Resolved*, That there be allowed and paid out of the public Treasury to the Petitioner, the Sum of *seven Pounds four Shillings*, in Consideration of his Expences mentioned, it appearing that *three Pounds two Shillings*, in Part of the said Expence, has been already paid to Capt. *John Wright*.

Sent up for Concurrence.

A Memorial of *Abigail Cleffon*, Administratrix of the Estate of *Matthew Cleffon*, late of *Deerfield*, in the County of *Hampshire*, deceased, praying an Allowance for her said Husband's Service in Reconnoitering the Country between Numb. 4. on *Connecticut-River*, and *Crown-Point*, with a Party of Men by Order of Governor *Shirley*, for which they have hitherto received no Consideration.

Memorial of
Abigail Cleffon.

Read and *Ordered*, That *Mr. Wilder*, Col. *Cheney*, and *Caleb Cushing*, Esq; be a Committee to consider this Petition, and Report thereon.

The Committee appointed on the Petition of *Ebenezer Norcutt*,
Reported verbally: And thereupon,

Report on
Petition of
Eben. Norcutt.

Ordered, That the Treasurer be directed to pay the Petitioner the *four Pounds* stopped out of the Wages due to him on the last *Crown-Point* Expedition, on Account of his Arms not being returned.

Sent up for Concurrence.

The Committee appointed to prepare and bring in a Bill for reviving and continuing the Laws expired or near expiring. Reported a Bill Intituled, *An Act for reviving and continuing sundry Laws that are expired and near expiring*:—Which the Chair-man read at his Place, and then delivered in at the Table.

Report on
a Bill.

Read a first Time, and *Ordered*, That the Bill have a second Reading at four o'Clock this Afternoon.

A Bill Intituled, *An Act for Regulating the Proprietors of the Meadow & Flat-Ground, within the Cove called the Little-Harbour, in the Township of Hingham, in the County of Suffolk*.

Bill En-
gross'd.

Read a second and third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

Petition of
Tho. Allen.

A Petition of *Thomas Allen* of *Glocester*, in the County of *Essex*, praying an Allowance of the Expence he was at by his Son *Job Allen's* Sickness, after his Return from the Army the last Campaign, before he was seized with the *Small-Pox* ; and also for the great Damage he sustained by his being obliged to remove from his House, and being put out of his Business, while his said Son lay sick of said Distemper.

Read *Ordered*, That this Petition be committed to Major *Reed*, Col. *Cheney*, and Capt. *Epes*, to consider, and Report thereon.

Report on
Petition of
John Gunn.

The Committee appointed on the Petition of Mr. *John Gunn*, Reported thereon.

Read, and accepted, and *Voted*, That the Prayer of the Petition be so far granted, as that the Sum of *twenty eight Shillings*, be added to the Pay of Mr. *Fellows Billing*, Member for the Town of *Sunderland*, and the Districts of *Montague & New-Salem*, the present Year ; the said *Billing* to be accountable to the said *Gunn* for the same : And that the said Sum be apportioned on the said Town and Districts, in the next Year's Tax-Act.

Committee
for Enquiry.

The Committee appointed to make Enquiry what Sums of Money may be borrowed for the Use of the Government, in the present Exigency of Affairs, made a verbal Report, That sundry Persons they had conferred with, had agreed to advance considerable Sums, and they apprehended sufficient might be borrowed to answer the Government's Demands.

Message to
the Board.

Ordered, That Judge *Russell* go up with a Message to the honourable Board, to enquire whether they have passed on two Votes of the House of the 16th Instant, *viz.* one relating to his Excellency's being desired to issue his Proclamation for encouraging Soldiers to enlist ; and the other relating to the *Six Pence* Sterling per Day Allowance for their Billeting ?

Who returned, that he had delivered the Message.

Report on
Militia-Bill.

The Committee appointed to prepare the Draught of a Vote relating to the Suspension of the Operation of the Militia-Law in Part, Reported according to Order.

Read, and after a Debate thereon, *Ordered*, That the Vote be Re-committed for the Amendment proposed.

Vote for
Allowance
bro't down.

Gamaliel Bradford, Esq; brought down the Vote of the House relating to the Allowance of *Six Pence* Serling per Day to the Soldiers for Billeting, 'till they receive the KING's Provisions.

Pass'd in Council, *viz.* In Council *March 22d 1758*. Read and concur'd, with the Amendment at A.

Sent down for Concurrence. Read and concur'd.

Governor
desir'd, &c.

Samuel Watts, Esq; brought down the Vote of the House, desiring his Excellency to issue his Proclamation, expressing the Encouragement voted to such as shall enlist in the present Expedition. Pass'd in Council, *viz.* In Council *March 22. 1758*.

Read and concur'd ; and *Ordered*, That *Sylvanus Bourn*, Esq; with such as the honourable House shall join, be a Committee to wait upon his Excellency, with the Desire of the two Houses accordingly. Sent down for Concurrence. Read

Read and concur'd; and Mr. *Flucker*, and Mr. *Foster*, are joined in the Affair.

James Bowdoin, Esq; brought down the following Vote of Council, viz. In Council March 22. 1758. Vote of Council bro't down.

Whereas divers Affairs of great Importance relative to this Province, contrary to Expectation, still continue undetermined in Great-Britain, and there is great Probability that it will be necessary very soon to solicit other Affairs of great Moment there: Therefore,

Voted, That the Secretary write to Mr. Agent *Bollan*, and acquaint him, that it is the Desire of the Court, that he would not suddenly leave *Great-Britain*; any thing in the Letter from the Secretary of the 24th of *January* last to the Contrary notwithstanding.

Sent down for Concurrence.

Read and non-concur'd.

An Engross'd Bill Intituled, *An Act in Addition to the Act, Intituled An Act for granting unto his Majesty an Excise upon Spirits distilled, and Wine, and upon Limes, Lemmons and Oranges.* Bill Enacted.

Read and Resolved, That the Bill pass to be Enacted.

A Petition of Captain *John Burk*, and others, Officers in the Forces raised by this Government for his Majesty's Service, under his Excellency the Earl of *Loudoun*, praying, that they may be allowed a further Time for making up their Muster-Rolls for the last Campaign, the Time assigned being no more than what was allowed when the Companies consisted of but half the Number of Men, and they being now further obliged to make up two Setts of their Rolls. Petition of John Burk, &c.

Read and Ordered, That Mr. *Paine*, Col. *Williams*, and Mr. *Johnson*, be a Committee to take this Petition under Consideration, and Report what they judge proper to be done by this Court thereon.

Joseph Pyncheon, Esq; brought down the Report of the Committee appointed to Farm out the Excise on Tea, Coffee and China-Ware, in the County of *Suffolk*, the Current Year. Report on Excise, bro't down.

Signed *Samuel Watts*, per Order.

In Council March 22. 1758. Read and sent down.

Read and accepted. Sent up for Concurrence.

Ordered, That Col. *Lawrence*, Col. *Jones*, and Major *Reed*, be a Committee to prepare the Draught of a proper Vote to oblige Recruiting Officers to account for the Bounty Money they shall receive out of the Treasury, for inlisting Men into the Service, on the proposed Expedition against *Canada*, and Report. Committee for Vote.

A Petition of *Samuel Cole*, a Soldier in the Forces raised by this Government the last Year for his Majesty's Service, under his Excellency the Earl of *Loudoun*, praying the Consideration of this Court, under his Sufferings, Expences, and present difficult Circumstances, occasioned by a fit of Sickness brought upon him by the Hardships he suffered by being strip'd by the Savages, and remaining eight and forty Hours naked in the Woods, after the Surrender of Fort *William-Henry*. Petition of Samuel Cole.

F f f f f

Read

Read and *Ordered*, That Mr. *Bradbury*, Capt. *Waldo*, and Dr. *Sayer*, be a Committee to make Enquiry, take the Petition under Consideration, and Report thereon.

Then the House adjourn'd till to Morrow Morning Nine o'Clock.

Jovis 23. Die Martii, A. D. 1758.

Report of a
Vote rela-
ting to the
Militia-Act.

THE Committee to whom was Re-committed their Draught of a Resolve for suspending the Operation of the Militia-Act, in Part, Reported the Amendments proposed: Thereupon the said Vote was read again, and accepted, and is as follows, *viz.*

Whereas the great Scarcity of Labourers, which will be the natural Consequence of so large a Body of Forces as are raised, and to be raised for his Majesty's Service, within this Government, the present Year, makes it necessary that such as are left, be not called off from their Labour:

Voted, That all Persons born on the Alarm List, be, and are hereby, exempted from all Military Musters, and other Military Duty, excepting in Case of Alarm, on the second and third Mondays in *April*, the first Monday in *May*, and the first Tuesday in *June* next, as enjoined them by an Act passed in the last Sessions of this Court, Intituled *An Act in Addition to the several Acts of this Province, for Regulating the Militia*. And all Persons are hereby excused from any Fine that may arise by Reason of such Exemption, as also from taking the Oath in said Act required, until the last Monday in *October* next.

Sent up for Concurrence.

Committee
for Enquiry.

On a Motion made and seconded, *Ordered*. That Col. *Worthington*, Mr. *Paine*, and Mr. *Foster*, be a Committee to make Enquiry how far the Allowance for Billeting the Soldiers on their Return from the last Campaign, fell short of subsisting them; and to consider of some suitable Method of paying the Taverners and others, who supplied them on their said Return, and Report.

Petition of
James Dag-
get.

A Petition of *James Dagget* of *Rehoboth*, in the County of *Bristol*, shewing, that he has lately purchased an House in said Town, for several Years past improved for a Tavern, and most commodiously situated for that Business; and praying, that he may be allowed, in like Manner, to give public Entertainment there.

Read and *Ordered*, That the Prayer of this Petition be so far granted, as that the Justices of the Court of General Sessions of the Peace for the County of *Bristol*, at their Session in *April* next, at *Taunton*, upon Adjournment, be, and they hereby are, empowered to grant the Petitioner a Licence (if they see fit) to keep an House of public Entertainment in the Town of *Rehoboth*, he first obtaining the Approbation of the Select-Men of said Town, the Time for granting Licences being elapsed notwithstanding.

Sent up for Concurrence.

The

The Committee appointed on the Petition of *James Whipple*, Report on
 Junr. Reported according to Order. Petition of
James Whip-
ple, Junr.

Read, and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that the Petitioner (in his said Capacity) be, and hereby is, authorized and impowered to make Sale of the Lands therein mentioned, for the most the same will fetch, and to make and execute a good and sufficient Deed or Deeds of Conveyance thereof to the Purchaser or Purchasers, the Petitioner observing the Directions of the Law respecting the Sale of Real Estates by Executors or Administrators, and giving sufficient Caution to the Judge of Probate for the County of *Worcester*, that the Produce arising by said Sale (after paying the just Debts of the said Deceased) be put out on Interest, one third Part of said Interest to be for the Use of the Widow of the said *Joshua* during Life, and the other two Thirds to be applied for the bringing up said Children ; and the Share of each Child in the principal Sum, when they respectively come of Age, to be distributed to them, as also their respective Shares in the other Third, after the Decease of the said Widow, agreeable to Law.

Sent up for Concurrence.

The Committee appointed on the Petition of *Mary Hitchcock*, Report on
 Reported thereon. Petition of
Mary Hitch-
cock.

Read, and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that the Petitioner be, and she hereby is, authorized and impowered to Re-convey to the said *David Hitchcock*, the Tract of Land therein mentioned, upon the said *David's* repaying to the said *Mary*, what the said *Jonathan* had expended in supporting the said *David* and Family, after his receiving the said Deed from the said *David*, first deducting out of the same the reasonable Rents of said Land ; and that the Petitioner account with the Judge of Probate for the County of *Hampshire*, for what Sums she shall receive of the said *David*, in Consequence of her Re-conveying the Lands as aforesaid, and first giving said Judge sufficient Security for her paying all the just Debts of said *Jonathan*, out his Personal Estate, and the Proceeds of the said Lands aforesaid ; and that Col. *Worthington* be desir'd to see that Justice be done the Petitioner, in the Settlement of the said Accounts.

Sent up for Concurrence.

A Bill Intituled, *An Act for reviving and continuing sundry Laws that are expired or near expiring.* Bill En-
 gross'd.

Read a second and third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

Ordered, That Col. *Jones*, Mr. *Tyng*, and Mr. *Hall*, be a Committee to prepare a Bill, in the Recess of the Court, for Regulating the taking of Fish in *Merrimack* and *Charles-Rivers*, and Report at the next Sitting of the Court. Committee
 for a Bill.

Richard Cutt, Esq; brought down the Vote of the House for suspending the Operation of the Militia-Act in Part. Vote bro't
 down.

Pass'd

Pass'd in Council, viz. In Council, *March* 23d 1758.
Read and concur'd, with the Amendment.

Sent down for Concurrence. Read and concur'd.

Vote relating to Billeting Soldiers bro't down.

Mr. Secretary *Oliver* brought down the Vote of the two Houses relating to the Allowance of *Six Pence* Sterling per Day to the Soldiers for Billeting, 'till they receive the KING's Provisions,—and acquainted the House, that he had laid the same before his Excellency the Governour, who had consented thereto, but in his Proclamation had made use of a different Expression from what is contained in said Vote ; that the Board had thereupon tho't it best to make an Amendment on the Vote, and had directed him to propose the same to the House.—Which being taken under Consideration, and agreed to by the House,

Ordered, That Capt. *Williams* go up with a Message to the honourable Board, and acquaint them, that the House, agree to the proposed Amendment.

Who returned, that he had delivered the Message.

Vote relating to Bounty Money.

The Committee appointed to prepare a Resolve, obliging Recruiting Officers to account for the Monies they may receive for inlisting Men into the Service for the proposed Expedition, Reported verbally :— And thereupon,

Voted, That all Officers, who, in Consequence of their having Beating Orders, shall receive out of the public Treasury any Sum or Sums of Money, for the Bounty allowed by this Government, to such as shall enlist into the Service on the proposed Expedition for the Reduction of *Canada*, shall give Bond to the Treasurer, with one or more Sureties, to be accountable for what they shall receive.

Sent up for Concurrence.

Message from the Governour.

Mr. Secretary *Oliver* came down with a Message from his Excellency the Governour, to both Houses : Which he read, and laid on the Table.

His Excellency's said Message is as follows, viz.

Gentlemen of the Council, and House of Representatives,
I Perceive that an Opinion prevails Abroad, and perhaps there are too much Grounds for it, that in some former Expeditions, Sums of Money have been given to some of the Colonels for their Recommendations to Commissions in their Regiments. I have an Abhorrence of such Practices ; and unless some Care is taken to prevent them for the future, I am afraid of very bad Consequences. The only Rule of my Conduct, in appointing Officers, is the Fitness of Men for the Service ; and for their Characters I must depend on other People, as I have not a personal Knowledge of a sufficient Number. But if these Characters can be purchased with Money, what a Situation are we in ? I recommend this Affair to your speedy and serious Consideration.

Council-Chamber,

T. P O W N A L L.

March 23. 1758.

His Excellency's Message foregoing was read ; and immediately taken under Consideration :— And

Ordered,

Ordered, That Col. *Hale*, Mr. *Tyng*, and Mr. *Flucker*, with such as the honourable Board shall join, be a Committee to take his Excellency's Message of this Forenoon under Consideration, and prepare and bring in a Bill for preventing Corruption, accordingly.

Sent up for Concurrence.

Also,

Voted, That the Committee appointed to prepare and bring in a Bill in Consequence of his Excellency's Message of this Forenoon, prepare also the Draught of a proper Answer to his Excellency's said Message, and Report.

Vote for a Bill.

Sent up for Concurrence.

Bill read & refer'd.

John Hill, Esq; brought down a Bill as prepared by a Committee of both Houses appointed for that Purpose, Intituled *An Act for the speedy discovering, and ascertaining the Sum or Quantity of the Manufactory-Bills (so called) that are still outstanding.*

Pass'd in Council, viz. In Council March 23d 1758.

Read a first and second Time, and pass'd to be Engros'd.

Sent down for Concurrence.

Read a first Time, and Ordered, That the Bill have a second Reading at three o'Clock this Afternoon.

Mr. Secretary *Oliver* came down with a Message from his Excellency the Governour, to acquaint the House, that he is informed Capt. *Erving* has 750 Arms, which have been lodged for near a twelve Month past at *Castle-William*, for the Use of the Province, by which Means he has been in a great Measure prevented selling them; that his Excellency has therefore thought proper to recommend it to the House to make Provision for purchasing the said Arms, which are now so much wanted in the Province.

Message from the Governour.

The House took the Affair under Consideration, and after some Debate thereon, the Consideration of the Affair was referred.

Post Meridiem.

Richard Cutt, Esq; brought down the Report of the Committee appointed to Farm out the Duties of Excise on Tea, Coffee and China-Ware, in the County of *York*, for the Year Current.

Report on York Excise.

Signed *John Hill*, per Order.

In Council March 23d 1758. Read and sent down.

Read, and accepted, and Resolved, That there be allowed and paid out of the public Treasury, to the said Committee, the Sum of *three Pounds and four Pence*, in discharge of their Account of Time and Expences exhibited.

Sent up for Concurrence.

Isaac Royall, Esq; brought down the Bill Intituled, *An Act for reviving and continuing sundry Laws that are expired or near expiring.*

Amendment of a Bill.

Pass'd in Council, viz. In Council March 23d 1758.

Read and concur'd with the Amendment, viz. dele at A.

Sent down for Concurrence. Read and concur'd.

A Bill Intituled, *An Act for the speedy discovering and ascertaining the Sum or Quantity of the Manufactory-Bills (so called) that are still outstanding.*

Bill Engros'd.

Read a second and third Time ; and pass'd a Concurrence to be Engross'd.

Report on
Petition of
John Burk.

The Committee appointed on the Petition of Capt. *John Burk*, and others, Reported thereon.

Read, and accepted ; and *Whereas divers Captains or chief Officers of the several Companies raised by this Province the last Year, under the Command of his Excellency the Earl of Loudoun, are directed to make up two Muster-Rolls for such Companies ; and the Allowance already granted by this Court, being insufficient to pay their Expences, while employed in making up said Rolls :* Therefore,

Voted, That such Captains or chief Officers, be allowed Wages for eight Days, over and above what hath already been allowed them, in order to enable them to compleat such Rolls.

Sent up for Concurrence.

Message
from the
Board re-
lating to the
Militia.

Mr. Secretary *Oliver* came down from the honourable Board, and acquainted the House, that he had laid before his Excellency the Vote of the two Houses for suspending (in Part) the Operation of the Militia-Act, but that his Excellency declined giving his Consent thereto, as it Repealed in some Measure an Act of the Government by a Resolve :—That the Board had thereupon prepared a Bill for the Purposes intended by said Vote ; which he laid on the Table accordingly.

The said Bill Intituled, *An Act in Addition to an Act made and passed this present Year, Intituled An Act in Addition to the several Acts of this Province, for Regulating the Militia.*

Pass'd in Council, viz. In Council March 23d 1758.

Read a first and second Time, and pass'd to be Engross'd.

Sent down for Concurrence.

Read three several Times, and pass'd a Concurrence to be Engross'd.

Vote rela-
ting to Mr.
Agent *Bol-
lan's* Return.

On a Motion made and seconded by divers Members, the Vote of the honourable Board directing the Secretary to write to Mr. Agent *Bollan*, to desire him not suddenly to leave *Great-Britain*, was read again ; and

Voted, That the House Reconsider their Vote of Non-concurrence ; and thereupon pass'd a Concurrence with the Vote of the honourable Board.

Bill Enacted.

An Engross'd Bill Intituled, *An Act for reviving and continuing sundry Laws that are expired or near expiring.*

Committee
for Enquiry.

Read and *Resolved*, That the Bill pass to be Enacted.

The Committee appointed to make Enquiry into Frauds committed against the Government, and Mistakes to the Prejudice thereof, having attended that Service, Reported on sundry Complaints exhibited against Colonel *Thomas Gilbert*, of *Berkley*, that, by sundry Evidences, and his own Confession, the Facts alledged against him were in a great Measure true ; and that it appeared to the Committee, he had been guilty of defrauding the Government in several Instances, as particularly mentioned in their Report.

Read

Read, and accepted, and *Ordered*, That the said Committee take the Affair under Consideration, and Report what they judge proper for this Court to do thereon. Also,

Voted, That Col. *White*, Mr. *Morey*, and Capt. *Sprague*, (Part of said Committee) be excused from that Service, at their Desire.

An Engross'd Bill Intitled, *An Act for the speedy discovering and ascertaining the Sum or Quantity of the Manufactory Bills (so called) that are still outstanding.*

Read, and the further Consideration of the Bill was referred 'till to Morrow Morning.

Bill refer'd.

Benjamin Lincoln, Esq; brought down the following Vote of Council, viz. In Council *March* 23d 1758.

Vote of
Council
bro't down.

Voted, That *William Brattle*, and *James Bowdoin*, Esqrs; with such as the honourable House shall join, be a Committee to wait on his Excellency Governor *LAWRENCE*, to enquire whether he hath received the Account of the Charge incurred by this Province, for the Support of the French Neutrals, that came hither from the Southern Governments; and in Case he has not received them, to furnish him therewith, and to desire his Excellency that he would give Orders for the Reimbursement of the Amount of said Account. Sent down for Concurrence.

Read and concur'd; and Mr. *Tyng*, Judge *Russell*, and Col. *Lawrence*, are joined in the Affair.

John Erving, Esq; brought down the Vote of the House, obliging Recruiting Officers to give Bond respecting the Bounty Money they shall receive out of the Treasury.

Amend-
ments on a
Vote, bro't
down.

Pass'd in Council, viz. In Council *March* 23d 1758.

Read and concur'd with the Amendment at A, viz. add--And that they account for the same, and repay into the Province Treasury any Balance that may remain in their Hands, on or before the first of *May* next; and that this be Part of the Condition of their Bond. Sent down for Concurrence.

Read and concur'd.

A Petition of Capt. *Benjamin Hallowell*, Commander of the Province Ship of War *King-George*, in Behalf of the Seamen belonging to said Ship, praying, that one Month's Wages may be advanced to them, to enable them to furnish themselves with such Articles as the Season of the Year renders necessary for their comfortable Subsistence on Board, over and above what the Government allows them.

Petition of
Capt. *Benj.*
Hallowell.

Read and *Ordered*, That the Petition be dismiss'd.

The Committee appointed on the Petition of *John Hawks*, Reported according to Order.

Report on
Petition of
John Hawks.

Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to the Petitioner, the Sum of *six Pounds*, in full Consideration for the Loss of his Horse mentioned. Sent up for Concurrence.

Then the House adjourn'd 'till to Morrow Morning Nine o'Clock.

Veneris 24. Die Martii, A. D. 1758.

Bill Enacted. **A**N Engross'd Bill Intitl'd *An Act for Regulating the Proprietors of the Meadow and Flat Ground within the Cove, called the Little-Harbour, in the Township of Hingham, in the County of Suffolk.*

Read and Resolved, That the Bill pass to be Enacted.

Report on
Mashpee In-
dians Ac-
counts.

The Committee appointed to examine the Accounts of the Guardians of the *Mashpee* Indians, Reported, that having attended that Service, they find the said Guardians have disbursed the Sum of *One Hundred twenty one Pounds seventeen Shillings and nine Pence half Penny*, including *three Pounds four Shillings* to the Treasurer for said Indians, for four Years Salary, and *eight Pounds* for four Years Service of the said Guardians.

Read and Resolved, That this Account be allowed ; and that the Balance thereof, being *nine Pounds one Shillings and one Penny half Penny*, the said Guardians be further accountable to the said Indians for.

Sent up for Concurrence.

Bill Enacted.

The House Re-assumed the Consideration of the Engross'd Bill relating to the Manufactory or Land-Bank Scheme : Thereupon the said Bill, Intitl'd *An Act for the speedy discovering and ascertaining the Sum or Quantity of the Manufactory Bills (so called) still outstanding*, pass'd to be Enacted.

Committee
to wait on
the Govern-
or.

On a Motion made and seconded, Ordered, That Judge *Russell*, Col. *White*, and Mr. *Bacon*, be a Committee to wait upon his Excellency the Governour, & inform him, that the Time the Soldiers that shall be employed in the proposed Expedition against *Canada*, shall be detained in the Service, is omitted in his Excellency's Proclamation for encouraging Persons to enlist, which the House are apprehensive may prove detrimental to the Service.

[inlist]

Who returned, that they had waited on this Excellency, and delivered the Message : And that his Excellency was pleased to say, that it was purely an Omission of the Secretary, who was to have inserted the Substance of the Votes passed for encouraging the Enlistments, in the Proclamation ; and that he would give Directions to have the same inserted.

Bill Enacted.

An Engross'd Bill Intitl'd, *An Act in Addition to an Act, made and passed this present Year, Intitl'd An Act in Addition to the several Acts of this Province, for Regulating the Militia.*

Read and Resolved, That the Bill pass to be Enacted.

Message to
the Board.

Ordered, That Capt. *Epes* go up with a Message to the honourable Board, to desire they would give Dispatch to the public Affairs lying before them, that the Court may have a Recess this Forenoon, if his Excellency pleases.

Who returned, that he had delivered the Message.

Committee
for a Bill.

Ordered, That Col. *White*, Col. *Ruggles*, and Mr. *Gridley*, be a Committee to prepare and bring in a Bill for preventing Soldiers, who shall enter into the Service on the proposed Expedition against *Canada*, being arrested for Debt.

On a Motion made and seconded, *Ordered*, That the further Consideration of the Report of the Committee appointed to enquire into Frauds committed against the Government, &c. on sundry Matter of Complaint exhibited against Col. *Thomas Gilbert*, be referred to the second Wednesday of the next Sitting of the Court; and that the said *Gilbert* be then heard with his Witnesses before the House, in his own Vindication, and that the Complainants be directed to attend with their Witnesses at the same Time: And

Order on a
Hearing re-
lating to
Frauds.

Voted, That the Clerk of the House be directed to summon such Persons to attend as Witnesses, as shall be desired by either of the Parties; the said Witnesses to be paid at the public Charge, in Case the said *Gilbert*, on said Hearing, shall be acquitted, otherwise by the said *Gilbert*.

Mr. Secretary *Oliver* came down with a Message from his Excellency the Governour, to observe to the House, that as the Vote of the Court stands, all that shall be enlisted for his Majesty's Service, on the intended Expedition against *Canada*, are to be form'd into Regiments; But that his Excellency hadt ho't proper to move it to the Consideration of the House, that such Alteration may be made therein, as that he may be enabled to form Part of them into Independent Companies, to be employed by the General of his Majesty's Forces, as the Service may require. And further to acquaint the House, that he had ordered the Press to be stayed for inserting that Part of the Vote of the Court for Encouragement of Soldiers to enlist, that limits the Time of their Continuance in the Service. Mr. Secretary also read a Paragraph of a Letter lately received from *Halifax*, dated *March* 10th 1758. containing some Intelligencies relative to the proposed Expedition, and then withdrew.

Verbal Mes-
sage from
the Gov. by
the Secretary

The Committee appointed on the Petition of *Sarah Bowers*, as entred the last Sessions, Reported thereon according to Order.

Report on
Petition of
Sarah Bowers

Read and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that, if the Judge of Probate for the County of *Middlesex*, shall find upon his Settlement of said *Bowers* Estate, there is enough to satisfy his Debts, exclusively of the House and Land mentioned in said Deed, that in such Case the said *Sarah Bowers* be, and hereby is, impowered to deliver said Deed to *Ebenezer Farnsworth* upon his Delivery of *Joshua Bowers's* said Bond to her, and upon the said *Farnsworth's* Settlement of the Remainder of the Estate in said Deed mentioned after his and his Wife's Decease, upon the Children of said *Joshua Bowers*, and their Heirs, a double Portion thereof to the eldest Son, and that the Judge of Probate for said County oversee and approve said Settlement.

Sent up for Concurrence.

A Memorial of *Charles Apthorp*, Esq; and others, Proprietors of Lands on the Eastern Frontiers of the Province, in the County of *York*, setting forth, that they have, for some Years past, advanced very large Sums of Money for bringing forward Settlements there, which are now a Cover and Defence to sundry Towns

Memorial of
*Charles Ap-
thorpe*, Esq;
&c.

H h h h h

that

that have heretofore been exposed to the Cruelties of the Indian Enemy, and frequently broken up by them ; that there is the greatest Probability of succeeding in their Attempt, if they can have such Assistance from the Government as from the past Conduct of the General Court they have had Reason to expect ; that in their present Circumstances it is impossible for the Inhabitants to support themselves by the Produce of their Lands only, and their being now obliged to quit their Settlements would prove not only an irretrievable Loss to themselves, but very detrimental to the Province in general ; and praying that their Circumstances may be taken into Consideration, and such a Number of the Inhabitants put into the Pay and Subsistence of the Government, and employed in such Manner as his Excellency shall judge will be most expedient for the Preservation and Defence of said Frontiers.

Read and *Ordered*, That the Consideration of the Petition be referred to the next Sitting of the Court.

Bill Re-
ported.

The Committee appointed to prepare a Bill for preventing Soldiers being arrested for Debt, who shall enter into the Service for the proposed Expedition against *Canada*, Reported a Bill Intituled *An Act to prevent Soldiers and Seamen in his Majesty's Service from being arrested for Debt.*

Read a first and second Time : And after a Debate thereon, the further Consideration of the Bill was referred.

Report on
Petition of
sick and
wounded
Soldiers.

The Committee appointed to make Enquiry relative to the sundry Allowances to sick and wounded Soldiers, which had not been signed by a Majority of his Majesty's Council, Reported, that they had attended that Service ; and find that there had no Allowances been made them since the Orders referred to, pass'd the two Houses : Thereupon the following Vote passed, *viz.*

Whereas sundry Grants or Allowances were made by the two Houses in April last, for the Use of divers Persons or their legal Representatives, on Account of Services, Expences or Sufferings in the Crown-Point Expedition ; which Orders having passed the two Houses soon after the late Lieut. Governour's Death, were not compleatly signed by a Majority of Majesty's Council :

Resolved, That the Province Treasurer be directed to pay the several Allowances aforesaid, as specified in the said Orders respectively, *viz.* On the 16th of *April*, To *William Wood*, £ 5 6s. 8d. On the 19th of *April* ; to *John Jones*, £. 2 5s. 4d. On the same Day ; To *Capt. Phineas Lovet*, for the Use of *Hannah Thayer*, Mother of *Oliver Thayer*, £. 4 2s. 8d. for Expences and his full Wages, his Gun not being returned notwithstanding. On the 20th of *April* ; To *Philip Walker*, £. 4 7s. for the Use of *Timothy Walker* for inlisting 58 Soldiers, £. 3 19s. 8d. for what *Joseph Walker* was made up short in *Major House's* Roll in 1756, and 39s. for sundry Persons finding their own Guns. On the 22d of *April* to *Moses Marcy*, Esq; for the Use of *John Rice*, £. 3. To *Capt. Ithamar Hubbell*, for the Use of *Miriam Olds*, 13s. 6d. To *Capt. Phineas Lovet*, for the Use of *Uriah Thayer*, 40s. To
Capt.

Capt. *Ephraim Spaulding*, for the Use of *Timothy Clement*, 30s. To Mr. *Samuel King*, for the Use of *Edward Cobb*, £.24 2s. 11d. To *John Worthington*, Esq; for the Use of *William Brown*, £.6 1s. and for the Use of *William Stebbins*, 41s. 8d. To *Joseph Gerrish*, Esq; for the Use of *Daniel Barker*, 40s. To Capt. *Nath. Sumner*, for the Use of *Timothy Draper*, £.5 4s. and to Capt. *Ithamar Hubbell*, for the Use of *Samuel Shears*, 30s. Sent up for Concurrence.

Post Meridiem.

The Committee appointed on the Petition of *Samuel Cole*, informed the House, that there being no Evidence accompanying the Petition, they had not agreed on any Report, and by Leave of the House laid the same on the Table again.

Vote on
Petition of
Sam. Cole.

Thereupon Voted, That the Consideration of this Petition be referred to the next Sitting of the Court.

Mr. Secretary *Oliver* came down with a Message from his Excellency the Governour to the two Houses: Which he read and laid on the Table.

His Excellency's said Message is as follows, *viz.*

Gentlemen of the Council, and House of Representatives,

I Have this Day received an Account from his Majesty's General, that the Service require, he should march a Body of His Majesty's Troops thro' this Province; and that may soon be expected herein.

Message
from the
Governor.

It will be necessary, that they be admitted to such Quarters as the Nature and Circumstances of the Country will admit of: On the one Hand, it being necessary that the Troops be Quartered; on the other, the Act of Quartering them being a Suspension of the Bill of Rights: I am sensible of the Difficulties that must attend your Deliberations. Under these Difficulties, I recommend to you the Rule which the Mother Country observes on such Occasions; and that while you follow her Example, in a most conscientious Attachment to the Civil Rights; you also follow her Example, in making such Provision in this Case, as becomes necessary for the Service, considering the different Form and Circumstances under which this Country lies.

March 24th 1758.

T. P O W N A L L.

His Excellency's Message foregoing was read; and the same being immediately taken under Consideration by the House,

Ordered, That Mr. *Foster*, Col. *White*, and Judge *Russell*, with such as the honourable Board shall join, be a Committee to take his Excellency's Message to both Houses of this Afternoon under Consideration, and Report what they judge proper to be done thereon.

Order on
his Excel-
lency's fore-
going Mes-
sage.

Sent up for Concurrence.

The House Re-assumed the Consideration of the Bill, Intituled *An Act to prevent Soldiers and Seamen in his Majesty's Service from being arrested for Debt*: And after some further Debate thereon, The said Bill was read a third Time, and pass'd to be Engross'd.

Bill read &c.

Sent up for Concurrence.

The House took into their Consideration his Excellency's Message relating to the Forces voted to be raised by this Govern-

Order on a
Message
from the Go-
venour.

ment

ment for the proposed Expedition against *Canada*, being formed into Independent Companies : And after a Debate thereon,

Ordered, That Judge *Russell*, Col. *Williams*, and Mr. *Tyng*, be a Committee to prepare the Draught of a proper Vote to be pass'd for that Purpose, and Report.

Order on
Governor's
Message.

Joseph Pyncheon, Esq; brought down the following Vote of Council, viz. In Council March 24th 1758. *Ordered*, That Sir *William Pepperrell*, Bart. *Thomas Hutchinson*, and *William Brattle*, Esqrs; with such as the honourable House shall appoint, be a Committee to prepare the Draught of a Letter to Mr. Agent *Bollan*, and Report the same, Reminding him of the several Concerns of the Province he is now charged with ; and giving him such Instructions concerning them, as the several Affairs shall require, and urging him to send a particular Account of the present Situation of each of them, as soon as may be.

Sent down for Concurrence.

Read and concur'd ; and Mr. Speaker, Mr. *Flucker*, Col. *Quincy*, and *James Russell*, Esq; are joined in the Affair.

Answer to
Governor's
Message
bro't down.

The House took under Consideration his Excellency's Message of Yesterday, relating to the Arms lodged at *Castle-William* : And after a Debate had thereon,

Ordered, That Capt. *Livermore*, Col. *Quincy*, and Mr. *Morey*, be a Committee to prepare the Draught of a proper Message to his Excellency, in Answer thereto, and Report.

John Hill, Esq; brought down the Draught of an Answer to his Excellency's Message to both Houses of Yesterday, as prepared by a Committee appointed for that Purpose.

Pass'd in Council, viz. In Council March 24th 1758.

Read, and accepted, and *Ordered*, That Sir *William Pepperrell*, and *Jacob Wendell*, Esqrs; with such as the honourable House shall appoint, be a Committee to present the same to his Excellency accordingly.

Sent down for Concurrence.

Read, and not accepted ; and *Ordered*, That Col. *Hale*, Col. *Choate*, and Judge *Russell*, be a Committee to prepare the Draught of a Message in Answer to his Excellency's said Message, and Report to the House thereon.

Petition of
Robert Man-
ter.

A Petition of *Robert Manter*, Attorney to *Elizabeth West*, Executrix of the last Testament of Capt. *Peter West*, deceased, setting forth, that the said Deceased being employed as a Captain in the Service under his Excellency the Earl of *Loudoun*, the last Year, received fundry Stores of the Commissary-General for Supplies for his Company, which he delivered as Occasion required, but that several of them having deserted the Service, are not entitled to any Pay, by Means whereof the Widow and Heirs of the said *Peter*, are in Danger of suffering greatly in their Interest, unless relieved by this Court ; and praying, that she may be allowed out of the public Treasury the Amount of what the said *Peter* actually delivered the said Soldiers, before they deserted the Service.

Read

Read and *Ordered*, That Mr. *Bacon*, Col. *Quincy*, and Col. *Os-
good*, be a Committee to take this Petition under Consideration,
and Report what they judge proper to be done thereon.

Mr. *Flucker* informed the House, that Mr. *Stephen Greenleaf*
had put into his Hands a Letter he had lately received from a Vote relat-
ing to Pro-
vince Bills.
Gentleman in *Rhode-Island*, inclosing a small Parcel of Bills of Credit
on this Government, which had been for some Years mislaid,
desiring him to get the same exchanged for him :—The said
Letter was read ; and

Voted, That the Treasurer be, and hereby is, directed to pay to
Stephen Greenleaf, Esq; the Sum of *seven Pounds twelve Shillings & one
Penny Half Penny*, for *fifty seven Pounds one Shilling*, in Bills of Credit
on this Province of the old Tenor, on his delivering to the said
Treasurer the said Sum in Province Bills of the old Tenor, or in
other Bills on this Province equivalent, if on Examination he shall
find the same to be true Bills.

Sent up for Concurrence.

The Committee appointed on the Petition of *Thomas Allen*, Vote on Pe-
tition of Tho.
Allen.
Junr. Reported according to Order.

Read, and not accepted ; And

On a Motion made and seconded, *Voted*, That Capt. *Stevens*,
who presented the Petition, have Leave to withdraw the same.

The Committee appointed on the Petition of *Ebenezer Willis*, Order on Pe-
tition of Eben.
Willis.
by Leave of the House laid the same on the Table, without
Report :— And

Ordered, That the Consideration of the Petition be referred to
the next Sitting of the Court ; and that Col. *White* be directed
to write to Mr. *Benjamin Aken*, that he would use his Endeav-
our, that the Company under the Command of the said *Willis*,
should in the mean Time accommodate the Affair among them-
selves.

The Committee appointed to prepare the Draught of a Vote,
relating to his Excellency's forming some of the Forces to be Resolve re-
lating to the
Forces to be
raised.
raised by this Government, for the proposed Expedition against
Canada, into Independent Companies, Reported the following
Vote :—Which was read and accepted, viz.

Whereas, by the Vote of this Court, agreeing to raise 7000 Men
inclusive of Officers, on the Part of this Government, for the intended
Expedition against *Canada*, it is provided, that they be formed into
Regiments, and Officer'd by such of the Inhabitants of this Province,
as his Excellency the Captain-General shall be pleased to appoint ; and
it being apprehended, that the forming some of the said Troops into In-
dependent Companies, might promote the general Service aforesaid, and
much facilitate the compleating the Number of Men :

Resolved, That his Excellency the Captain-General, (any thing
in the aforesaid Vote to the Contrary notwithstanding) be desir'd,
if he judges it convenient, to form as many of the said Men
(being Part of said 7000) into Independent Companies, under

proper Officers, Inhabitants of this Province, as he judges will promote the general Service, provided the Number and Pay of the Officers employed in said Service be not increased, beyond the Establishment already made by this Court.

The Committee appointed to take the Answer of the two Houses to his Excellency's Message of Yesterday into a new Draught, Reported the following Message :— Which was read and accepted, *viz.*

Message to
the Govern-
mor.

[beg]

May it please your Excellency,

HIS Majesty's Council, and House of Representatives, beg Leave to express their hearty and unfeigned Gratitude, for that Zeal shewn by your Excellency, against Bribery and Corruption : For your declared Abhorrence of them, and your earnest Desires that Care may be taken to prevent Enormities of that Kind ; and they do assure your Excellency, they are desirous to join in their Endeavours with you, that as much as may be, Crimes so Reproachful to any People, may not be found among us, or, that the Perpetrators of them may be brought to condign Punishment: And have accordingly prepared a Bill for those Purposes, which we doubt not will meet with your Excellency's Approbation.

Report on
Vote of
Council.

The Vote of Council accompanying the Draught, Reported by the Committee of both Houses, was thereupon

Read again, and concur'd, as taken into a new Draught ; and Col. *Hale*, Judge *Russell*, and Col. *White*, are joined in the Affair.

Report on
Petition of
Steph. Stearns.

The Committee appointed on the Petition of *Stephen Stearns*, Reported thereon.

Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to the Petitioner, the Sum of *five Pounds thirteen Shillings & eight Pence*, in full for the Charges of his said Brother's Sicknefs, and Doctor's Bill mentioned.

Sent up for Concurrence.

Report on
Memorial of
Mr *Abr. Hill*.

The Committee appointed on the Memorial of Mr. *Abraham Hill*, of *Road-Town*, in Behalf of the Inhabitants, made a verbal Report, that they were of Opinion, the said Inhabitants should be freed from their past public Taxes, but be held to pay for the future ; and that Provision be made by Law accordingly.

Which Report was accepted, And thereupon,

Resolved, That the Prayer of this Memorial be so far granted, as that the Inhabitants of said Township of *Road-Town*, be, and they hereby are, exempted and released from paying any Taxes that have been hitherto imposed on them, either to the Province or County ; but for the future that they be subjected to pay such Taxes as shall be assessed on them. Sent up for Concurrence.

Letters read.

Sundry Letters, dated *Hatfield March 22d 1758*. relative to Affairs on the Frontiers, were communicated to the House, & read.

Then the House adjourn'd 'till to Morrow Morning Nine o'Clock.

Sabbati

Sabbati 25. Die Martii, A. D. 1758.

John Hill, Esq; brought down a Bill, as prepared by the Committee of both Houses, appointed to consider his Excellency's Message of Yesterday, Intituled *An Act providing for the Reception and Accommodation of his Majesty's Forces within this Province.* Bill bro't down and read.

In Council March 25th 1758. Read and sent down.

Read a first, second and third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

Mr. Secretary Oliver came down with a Message from his Excellency the Governour, to desire the House would give Dispatch to Affairs of a public Nature, that so the Court may be Adjourned this Forenoon. Message from the Governor.

Isaac Royall, Esq; brought down a Bill, as prepared by the Committee of both Houses, appointed on his Excellency's Message of the 23d Instant, Intituled *An Act to prevent Bribery & Corruption.* Bill brought down & read.

Pass'd in Council, viz. In Council March 25th 1758. Read a first and second Time, and pass'd to be Engross'd.

Sent down for Concurrence.

Read three several Times, and pass'd a Concurrence to be Engross'd, with the Amendments at A, B, & C.

Sent up for Concurrence.

A Memorial of Jedediah Prebble, Esq; and others, shewing, that they are appointed by his Excellency to the Command of several Regiments, proposed to be raised by this Government for the intended Expedition against Canada; and praying, that the Vote relating to the Establishment of their Wages may be Re-considered, and that such an Allowance may be made them for support of their Tables, as shall be judged reasonable, in Lieu of their Wages; they being willing to rely on his Majesty's gracious Countenance for Pay, according as their Behaviour shall recommend them to his Favour. Memorial of Jedediah Prebble, Esq;

Read and Ordered, That the Consideration of this Memorial be referred 'till the Afternoon.

Post Meridiem.

An Engross'd Bill Intituled, *An Act to prevent Soldiers and Seamen in his Majesty's Service from being arrested for Debt.* Bill enacted.

Read and Resolved, That the Bill pass to be Enacted.

An Engross'd Bill Intituled, *An Act providing for the Reception and Accommodation of his Majesty's Forces within this Province.*

Read and Resolved, That the Bill pass to be Enacted.

On a Motion made and seconded, That the House would Re-consider their Vote relating to Part of the Forces, to be raised by the Province for the proposed Expedition against Canada, being formed into Independent Companies; and a Debate had thereon, Order on Reconsidering a Vote.

Ordered, That the further Consideration of the Affair be referred to the next Sitting of the Court.

The

Col. *Prebbles* Memorial referred. The House, according to Order, took under Consideration the Memorial of *Jedediah Prebble, Esq;* and others ; and after a Debate thereon,

Ordered, That the Consideration of this Memorial be referred 'till the next Sitting of this Court.

Bill enacted. An Engross'd Bill Intituled *An Act to prevent Bribery and Corruption.* Read and Resolved, That the Bill pass to be Enacted.

On a Motion made and seconded, The following Vote pass'd the House : viz.

Votes relating to Snow-Shoes. *Whereas it has been Represented to this Court, That there are a Number of Snow-Shoes belonging to the Province, in the Hands of Elijah Williams, Esq; which may be wanted for the Use of such as may be employed for the Protection and Defence of the Western Frontiers :*

Voted, That the said Williams be directed to take Care, that the said Snow-Shoes be forthwith put into good Repair, for the Use of the Province.

And, There being a Number of Snow-Shoes in the Hands of Enoch Freeman, Esq; at Falmouth in Casco-Bay ;— Further

Voted, That Edward Milliken, Esq; be directed to receive the same of the said Freeman, and take Care that they be deposited in Narragansett Numb. One, Gorham-Town, and North-Yarmouth, as he shall judge most convenient. Sent up for Concurrence.

Message to the Governor.

Ordered, That Mr. Gridley, Mr. Tyng, Capt. Dalton, Col. Worthington, and Mr. Morey, be a Committee to wait upon his Excellency the Governour, and acquaint him, That the House have Nothing lying before them of a public Nature, and desire that the Court may have a Recess as soon as his Excellency pleases.

A Message from his Excellency the Governour, by Mr. Secretary *Oliver :*

Message from the Governor.

Mr. Speaker, His Excellency directs the Attendance of this honourable House in the Council Chamber :

Mr. Speaker, with the House, went up accordingly : When his Excellency was pleased to signify his Consent to the following Engross'd Bills, viz.

An Act in Addition to an Act, Intituled An Act for granting unto his Majesty an Excise upon Spirits distilled, and Wine, and upon Limes, Lemmons and Oranges.

An Act laying an Embargo upon Ships and other Vessels in this Province.

An Act for granting unto his Majesty several Rates and Duties of Impost and Tonnage of Shipping.

An Act empowering the Treasurer to borrow Twenty Eight Thousand Pounds.

An Act in Addition to an Act made and passed this present Year Intituled An Act in Addition to the several Acts of this Province, for Regulating the Militia.

An Act for reviving and continuing sundry Laws that are expired or near expiring.

An Act for the speedy discovering and ascertaining the Sum or Quantity of the Manufactory Bills (so called) that are still outstanding.

An Act for Regulating the Proprietors of the Meadow and Flat Ground within the Cove, called the Little-Harbour, in the Township of Hingham, in the County of Suffolk.

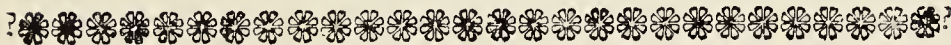
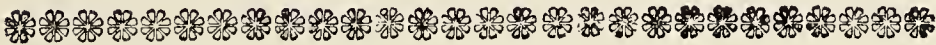
An Act to prevent Soldiers and Seamen in his Majesty's Service from being arrested for Debt.

An Act to prevent Bribery and Corruption.

An Act providing for the Reception and Accommodation of his Majesty's Forces within this Province.

After which, his Excellency was pleased to recommend it in the strongest Manner, to the Members of the Court, that, on their Return to their respective Towns, they would endeavour to promote among the People the same Spirit of Unanimity and Vigour, which they had so remarkably shewn in their own Resolutions, to join one and all in Co-operating with his Majesty's Forces for the Reduction of *Canada*, on the Event whereof (under GOD) their Prosperity seemed in so great a Measure to depend.

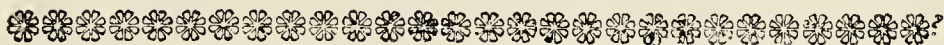
And then Mr. Secretary declared, That it was his Excellency's Direction, That this Great and General Court or Assembly should be Adjourned till Tuesday the eighteenth Day of *April* Adjourn- next, to meet at the Court House in *Boston*, at ten o'Clock in ment of the the Forenoon of said Day : And that the said Court was Ad- Court. journed to that Time accordingly.





V O T E S

Of the House of Representatives.



Martis 18. *Die Aprilis*, A. D. 1758.

Petition of *Joseph Whitney*, Administrator of the Estate of *James Whitney*, late of *Dunstable*, in the County of *Middlesex*, deceased, setting forth, that the said *James* with one *Ephraim Adams*, became engaged to pay a Sum of Money for one *Stephen Adams*, and for their Security took an absolute Deed of Conveyance from the said *Stephen*, of one Moiety each, of certain Lands with the Buildings thereon; that as the said Lands &c. are worth more than the Sum engaged for, it would not be consistent with Justice to Inventory the Moiety thereof as Part of the Deceased's Estate, which he apprehends can't be prevented, without the Interposition of this Court; and praying, that he may be impowered (on his receiving in full of what his deceased Brother paid, or engaged to pay for the said *Stephen*,) to Reconvey the one Moiety of the Premises to the said *Stephen*, or otherwise to give such Orders relative to the Premises, as to Justice shall appertain.

Petition of
Joseph Whitney.

Read and Ordered, That Col. *Choate*, Col. *Lawrence*, and Capt. *Stevens*, be a Committee to consider the Petition, and Report thereon.

A Petition of *Nathanael Low*, Guardian to *John Burnam*, of *Ipswich*, in the County of *Essex*, a Person *Non Compos*, and of *Margaret Burnam*, Wife to the said *John*, shewing, that the Estate of the said *John* is all expended, and she in want of Necessaries for her Support, that she is seized of certain Lands that descended to her from her Father, but cannot legally sell any Part thereof under her said Husband's present Circumstances; and praying, that as the Income of her Lands is insufficient for her Maintenance, she, together with the said *Nathanael*, in his Capacity aforesaid, may be impowered to sell about thirty Pounds worth of said Lands, and to apply said Sum for her more comfortable Support.

Petition of
Nath. Low.

Read and Ordered, That Col. *White*, Col. *Hale*, and Mr. *Tyng*, be a Committee to consider this Petition, and Report what they judge proper to be done thereon.

Petition of
Joseph Corney,
&c.

A Petition of *Joseph Corney* and others, three of the Children of *Elisha Corney*, late of *Glocester*, in the County of *Essex*, deceased, setting forth, that when the said *Elisha* died; he left their ancient Mother Bed-ridden, and intirely deprived of the Use of her Reason, to be supported by his Children, only leaving her his Personal Estate, and the Income of a small House, and about six Acres of Land; that they have been obliged to pay considerable Sums for her Support, which is a Charge they are not able to bear under their present Circumstances, that they would be willing to sell the said Real Estate, to defrey the Charge they have been already at, and are likely to be further at, in supporting their said Mother, but one of the Heirs, who is neither able nor willing to bear any Part of the Charge, refuses to give her Consent; and praying, that the said *Joseph*, Administrator of the Estate of the said *Elisha*, may be empowered to make Sale of the said House and Land, the Proceeds thereof to be applied to defrey the Charges aforesaid.

Read and Ordered, That the Petitioner serve the adverse Party *Abigail Batten*, with an attested Copy of this Petition, that she shew Cause (if any she have) on the second Wednesday of the next May Sessions, why the Prayer thereof should not be granted.

Sent up for Concurrence.

Petition of
Mr. *William Blair Townsend*,
&c.

A Petition of Mr. *William Blair Townsend* of *Boston*, and *John Winthrop* of *Cambridge*, Esq; as Guardian to his four Sons, who are Minors, setting forth, That they are seized of sundry Houses and Pieces of Land lying in *Boston*, as Heirs to Mr. *James Townsend* late of *Boston*, deceased; as also of the Reversion in Fee of another House and Land adjoining, with one other Piece of Land in said Town, the Estate of Mrs. *Elizabeth Chancy*, deceased, after the Death of the Rev. Dr. *Charles Chancy*; that two Thirds of the Premises belong to said *William Blair*, and one Third to the said Minors; but that no proper Division can be made of said Estates seperately, nor can they be considered together, and divided in the Manner the Law requires, under their different Circumstances, without the Interposition of this Court; and praying, that the Judge of Probate for the County of *Suffolk* may be empowered to appoint five Freeholders to make Division of the said Houses and Lands considered together, which when accepted by the said Judge, shall be deemed valid in Law, or otherwise to cause Division thereof to be made as shall be judged proper.

Read and Ordered, That the Prayer of this Petition be so far granted, as that the Petitioners have Liberty to bring in a Bill for the Purposes mentioned.

Jos. Cushing,
Esq; on a
Committee.

Ordered, That *Joseph Cushing*, Esq; be of the Committee appointed on the Memorial of *Andrew Oliver* Esq; and others, Trustees of the Linnen Manufactory, in the Room of Capt. *Epes*, who is not now of the House.

Petition of
Ichabod Goodwin.

A Petition of *Ichabod Goodwin* of *Berwick*, in the County of *York*, setting forth, that he farmed the Duties of Excise on spirituous Liquors in said County the Year past, for which he gave a much larger

larger Sum than he should otherwise have done, in Expectation of receiving the said Duty on the Rum, supplied the Soldiers in the Government's Pay, in said County ; and praying, that as he is deprived of that Benefit, such an Abatement may be made him, on the Sum mentioned in his Bond to the Province Treasurer, as shall be judged reasonable.

Read and Ordered, That the Petition lie on the Table, 'till some Members belonging to the County of York, come to the House.

Mr. Secretary Oliver came down with a Message from his Excellency the Governour to both Houses ; Which he read, and laid on the Table.

Message
from the
Governor,
to both
Houses.

The said Message is as follows, viz.

Gentlemen of the Council, and House of Representatives,

Soon after the Adjournment of the Court, I received a Letter from Governor FITCH, proposing a Meeting of Commissioners from the six Northern Governments, at Hartford, which I shall direct the Secretary to lay before you, together with the Copy of my Answer to it.

As his Majesty has, in great Wisdom, been pleased to give the supreme Command of all his Regular Forces, raised or to be raised in North-America, of all Provincials when joined to the Regulars, and of all Military Operations to his General or Commander in Chief, and has also intrusted to the same the entire Conduct of the War, with the Advice of his Governors of his Provinces and Colonies, together with his General and Field Officers of his Army, as often as he shall see Occasion, to convene such to his Councils : Any Measures that interfere with, or tend to throw that Administration of his Service into any other Channel, must of Necessity confound, obstruct and ruin the King's Service, and the public Interest, which are one : Which Measures, therefore, I could never acquiesce under, nor would this his Majesty's truly loyal Province, I am perswaded, ever think of. And although, from the usual Prudence and Caution of the Colony of Connecticut, they have made their Proposal in general Terms, yet from their known Zeal and Attachment to his Majesty's Service, and the unwearied Wisdom and Integrity, wherewith they have administered their Government, I am very sure, they intend Nothing, which can by any Means interfere with the Plan of Operations laid by his Majesty, and the Orders given in Consequence of it, or with the supream Command, which his Majesty has been pleased to give to the General of his Forces in North-America.

But, on the other Hand, as there are many Matters relative to the internal Administration of these Governments, to the establishing, supporting and protecting their Settlements and Trade ; the acting in which, with a wisely concerted Harmony and Union of Measures, must greatly advance and strengthen the Interest of these his Majesty's Dominions, and the Peace and Welfare of his good Subjects therein ; as there are many Parts of the Service which are purely Provincial, and as such, required at the Hands of the Provinces, in Aid & Assistance of the General Service, in which, that the several Governments should act in a vigorous, united, uniform Manner, must not only much promote, but greatly facilitate and expedite the General Service. As

As a dutiful Subject and Servant of the Crown, and a faithful Friend of the Public, I cannot but recommend to you, in general, every Measure that may tend to create and preserve a perfect Harmony, a mutual and united Correspondence of Measures in the Provinces & Colonies ; to effect which, I know nothing so well calculated as the Continuance of those Conferences, which were so happily begun, and so wisely conducted by the Commissioners from this Province, and the Colony of Connecticut, to which the Governments of New-Hampshire & Rhode-Island, were invited to accede.

Province-House

T. POWNALL.

April 18. 1758.

His Excellency's Message foregoing was read ; together with the several Papers referred to therein ; and

Ordered, That the same be taken under Consideration, to Morrow at three o'Clock Afternoon.

Then the House adjourn'd till to Morrow Morning Nine o'Clock.

Mercurii 19. Die Aprilis, A. D. 1758.

Petition of
Daniel Bishop.

A Petition of *Daniel Bishop* of *Rehoboth*, in the County of *Bristol*, setting forth, that he was a Soldier the last Year, in the Company under the Command of Capt. *Arbuthnot*, 'till ordered, in the Beginning of *August* to *Fort William-Henry* ; that from that Time he remained in the Service under the Command of Capt. *Nelson*, until the 16th of *November* following, when he was dismiss'd, but is not born in either of their Rolls for said Time ; and praying, that he may be allowed to receive his Wages, the said Omission notwithstanding.

Read and committed to Mr. *Foster*, Mr. *Lancaster*, and Capt. *Walker*, to make Enquiry, and Report.

Petition of
Tho. Holmes.

A Petition of *Thomas Holmes* of *Marshfield*, in the County of *Plymouth*, setting forth, That he has lately hired a House in said Town, for some Years past improved as a Tavern ; that it is tho't necessary a Tavern should be kept in that Part of the Town, and he has been approved of for that Purpose by the Select-Men ; and praying, that the Court of Sessions for said County may be impowered to Licence him accordingly.

Read and *Ordered*, That the Prayer of this Petition be granted, and that the Justices of the Court of General Sessions of the Peace for the County of *Plymouth*, be, and they hereby are impowered, at their next Term, to grant the Petitioner a Licence (if they see fit) to keep an House of public Entertainment in the Town of *Marshfield*, he having obtained the Approbation of the Select-Men of said Town for that Purpose, the Time for granting Licences being elapsed notwithstanding. Sent up for Concurrence.

Bill read.

A Bill Intituled, *An Act for the more easy and equitable Division of the Estate of James Townsend, deceased, and Elizabeth Chauncy, deceased, yet remaining undivided, among the Interested.*

Read

Read a first Time, and *Ordered*, That the Bill have a second Reading at four o'Clock Afternoon.

The House being informed, that nothing has been hitherto done towards Payment of Capt. *Ebenezer Willis's* Account of Money advanced by him for hiring Men for the last Year's Campaign, as mentioned in his Petition of the 17th of *March* last, but as it is probable the Affair may be soon accommodated by the said Company :

Order on
Petition of
Capt. *Eben.
Willis.*

Ordered, That the Consideration of the said Petition be referred 'till the next *May* Sessions.

On a Motion made and seconded, *Ordered*, That Col. *Jones*, Col. *White*, and Mr. *Humphry*, be a Committee to receive the Returns from the Members of the House, of the Circumstances of the *French* Neutrals (so called) in the several Townstthro' the Province, and Arrange the same in a proper Order, to be laid before the House ; and Report.

Order rela-
ting to
Freuch Neu-
trals,

On a Motion made and seconded, The Petition of *Elkanah Willis*, as entred the 14th of *March* last, was read again ; and

Order on
Petition of
*Elkanah Wil-
lis, & Jona.
Tucker.*

Ordered, That the said Petition be dismissed. Also,

The Petition of *Jonathan Tucker*, as entred the 9th *March* last, was read again. And

Ordered, That Mr. *Witt*, Mr. *Foster*, and Capt. *Brown*, be a Committee to consider the same, and Report what they judge proper to be done thereon.

A Petition of *John Peacock*, of a Place called *New-Braintree*, in the County of *Worcester*, praying, that he may have an Allowance for the Use of his Gun which he carried into the Service on the two Expeditions formed against *Crown-Point*, also for his Subsistence on his marching out and return Home from *Albany*, in the Year 1756, and for his Expences in his Sicknefs, as shall be thought meet.

Petition of
John Peacock.

Read and *Ordered*, That this Petition be committed to Mr. *Foster*, Mr. *Aken*, and Mr. *Wilder*, to make Enquiry into the Truth of the Facts mentioned, and Report.

A Petition of *Samuel Harris* of *Biddeford*, in the County of *York*, setting forth, that he enlisted into the Service on the last *Crown-Point* Expedition, and continued in the Service 'till the latter End of *January* following, but was born on the Muster-Roll for no longer than *October* in said Year ; and praying, that the said Mistake may be Rectified, and that he may be allowed the Balance due to him for his Services.

Petition of
Sam. Harris.

Read and *Ordered*, That this Petition be dismissed.

The House Re-assumed the Consideration of the Report of the Committee appointed on the Commissaries Petition, as entred the 6th of *June* last : Which was read again, and after a large Debate thereon,

Order on
Commissa-
ries Petition.

Ordered, That *Isaac Gridley*, *Samuel Gridley*, *Abraham Savage*, *William Taylor*, Jun. and *Isaac Thomas*, Commissaries employed in the last *Crown-Point* Expedition, Subscribers to a Petition pre-

M m m m m

sented

sented to this Court the last *May* Sessions, and now lying before the House) or such of them as are now in *Boston*, be directed to attend the House on Friday next at ten o'Clock in the Forenoon, to be then heard on their said Petition ; and that Capt. *Nixon*, Capt. *Moore*, Capt. *Robinson*, Capt. *White*, Capt. *Derumple*, and Capt. *Young*, if in Town, be also directed to attend at the same Time, to give Evidence of what they know relative to sundry Matters referred to in said Petition.

Sundry Letters bro't down and read.

The Deputy Secretary brought down sundry Letters, which he acquainted the House, His Excellency the Governor had received in the Recess of the Court, and had directed him to lay before the House.

The said Letters were read :—And *Ordered*, That Mr. *Tyng*, Col. *Ghoate*, Col. *White*, Mr. *Prat*, and Col. *Quincy*, be a Committee to wait upon his Excellency, and return him the Thanks of the House for his good Offices to this Province, in the several Matters mentioned in the said Letters.

Mr. *Prat* directed.

Ordered, That Mr. *Prat* prepare the Draught of a proper Resolve to be passed this Court for Adjourning the Superiour Courts that are by Law next to be held for the Counties of *Plymouth* and *Barnstable*, and Report.

Post Meridiem.

Petition of *Abner Lealand*.

A Petition of *Abner Lealand* of *Medford*, in the County of *Middlesex*, setting forth, that he has lately hired a House, which for thirty Years past has been improved as a Place of public Entertainment, and is conveniently situated for that Business ; and praying that the Court of Sessions for said County may be empowered to Licence him accordingly.

Read and *Ordered*, That the Prayer of this Petition be so far granted, as that the Justices of the Court of General Sessions of the Peace, now holden at *Charlestown*, for the County of *Middlesex*, be, and they hereby are, empowered to grant the Petitioner a Licence (if they see fit) to keep an House of public Entertainment in the Town of *Medford*, he first obtaining the Approbation of the Select-Men of said Town, the Time for granting Licences being elapsed notwithstanding.

Sent up for Concurrence.

Committee directed.

Ordered, That the Committee appointed the last Sitting of the Court to prepare a Bill for Regulating the taking Fish in the River *Merrimack*, &c. take under Consideration also the Fishery in *Concord* and *Neponset-Rivers*.

Petition of *Andrew Geddinge*, &c.

A Petition of *Andrew Geddinge* and *Jacob Royall*, shewing that they were employed the last Year as Ensigns in the Forces raised by this Province for his Majesty's Service under his Excellency the Earl of *Loudoun*, 'till the 18th of *August* last, and were ordered to do Duty as Lieutenants from that Time 'till the End of the Campaign, but are born on the Muster-Roll for Ensign's Pay only the

the whole Time ; and praying that they may be allowed to receive Lieutenant's Pay for the Time they acted as such.

Read, and *Ordered*, That this Petition be dismiss'd.

Mr. *Prat*, according to Order, Reported the following Draught of a Resolve for Adjourning the Superiour Courts for the Counties of *Plymouth* and *Barnstable* : Which was read and accepted, *viz.*

Resolve for
Adjourn-
ment of
Plymouth and
Barnstable
Superiour
Courts.

Voted and Resolved, That the Superiour Court of Judicature Court of Assize and General Goal Delivery, instead of being held at *Plymouth* for the County of *Plymouth* on the last Tuesday of *April* in this present Year, shall be held at said *Plymouth* for the same County on the second Tuesday of *May* next, and not before ; and then and there shall and may proceed to hear & try all Causes and enter up Judgment, in the same Manner as if it was the Time stated by Law for such Matters ; and all Appeals, Processes and Matters, that by Law ought to have come before or been entred in said Court on the said last Tuesday of *April* in this Year, are hereby Adjourned and continued over to the second Tuesday of *May* next, and shall have then Day in Court accordingly.

And, that the said Superiour Court, instead of being held at *Barnstable* in the County of *Barnstable*, for the Counties of *Barnstable* and *Duke's-County*, on the first Tuesday of *May* next in this present Year, shall be held at said *Barnstable* for the same Counties, on the first Wednesday of *May* next in this present Year, and not before ; and then & there shall and may proceed to hear & try all Causes, and enter up Judgments in the same Manner, as if it was the Time stated by Law for such Matters ; And all Appeals, Processes & Matters that by Law ought to have come before or been entered in said Court on the first Tuesday in *May* next, are hereby Adjourned and continued over to said first Wednesday of *May* next for this present Year, and shall have then Day in Court accordingly.

Sent up for Concurrence.

The House, according to the Order of the Day, took under Consideration his Excellency's Message of Yesterday ;—and after some Debate thereon, the same was ordered to lie on the Table.

Debate on
Governor's
Message.

The House Re-assumed the Consideration of the Report of the Committee appointed on the Petition of *William Foye*, Esq; as entred the 15th of *December* last ; which was read again ; Esq; and after a large Debate had thereon,

Order on
Petition of
Wm. Foye,
Esq;

Ordered, That Col. *White*, Mr. *Morey*, Col. *Quincy*, Mr. *Flucker*, and Mr. *Stone*, be a Committee to examine the Records of the Court relative to the Grants made to *William Foye*, Esq; late Treasurer of the Province, and the Votes relating to his Accounts with the Province, which remain still unsettled, and Report.

A Bill Intituled *An Act for the more easy and equitable Division of the Estate of James Townsend deceased, and Elizabeth Chauncy, deceased, yet remaining undivided among the Interested.*

Bill En-
gross'd.

Read a second and third Time ; and pass'd to be Engross'd.

Sent up for Concurrence.

A

Petition of
Abigail Lang-
don.

A Petition of *Abigail Langdon*, Administratrix of the Estate of *Nathanael Langdon*, late of *Boston*, in the County of *Suffolk*, deceased, and of *James Wilson*, of the District of *Spencer* in the County of *Middlesex*, setting forth, that the said *Nathanael* in his Life-time contracted with the said *James* to sell him a small Piece of Land lying in said District, but died before he had Opportunity to execute a Deed of it ; that he is thereby in Danger of suffering very much in his Interest, unless relieved by this Court, as he had by Leave of the said *Nathanael*, entered on the Premises, and built and made considerable Improvements thereon ; and praying that the Petitioner *Abigail* may be empowered in her said Capacity, to make a legal Conveyance of the said Piece of Land, agreeable to the said Contract.

Read and Ordered, That Col. *White*, Capt. *Brown*, and Mr. *Whiting*, be a Committee to take this Petition under Consideration, and Report thereon.

Petition of
Nicholas Se-
ver, Esq; &c.

A Petition of *Nicholas Sever*, Esq; and others, Inhabitants of *Kingston* in the County of *Plymouth*, setting forth, that at the Meeting warned for Choice of Town-Officers in *March* last, the Constable who warned the Meeting not being in Town, no Return was made of the Warrant ; notwithstanding which some of the Inhabitants (among whom some Persons not qualified by Law were allowed to vote) proceeded to chuse Town Officers, but not having been warned to take their Oaths, they are at present destitute of Town Officers ; and praying, that the Select-Men may be empowered to issue another Warrant for the Choice of Town Officers for the Year ensuing, or grant such other Relief as shall be judged proper.

Read and Ordered, That Col. *Ruggles*, Capt. *Collins*, and Mr. *Turner*, be a Committee to consider this Petition, and Report thereon.

Petition of
James Hum-
frey, &c.

A Petition of *James Humfrey* and sundry others, Inhabitants of the Township of *Pequog* in the County of *Worcester*, setting forth, That they being a Frontier Place and exposed to the Incursions of the Indian Enemy, are unable to improve their Lands for the Support of themselves and Families, without the Assistance of some Soldiers to Scout for their Protection while at their Labour ; and praying, that their difficult Circumstances may be considered, and such Relief afforded them as shall be judged meet.

Read and Ordered, That this Petition lie on the Table, 'till the State of the Frontiers be taken under Consideration.

Then the House adjourn'd 'till to Morrow Morning Nine o'Clock.

Jovis 20. Die Aprilis, A. D. 1758.

Committee
directed.

Ordered, That the Committee appointed on Petitions from sick and wounded Soldiers, be directed to sit forthwith, and Report as soon as may be.

A Petition of *Thomas White*, Guardian to *Gideon Alvord*, of the District of *South-Hadley*, in the County of *Hampshire*, a Person *Non-Compos*, setting forth, That the said *Gideon* whilst of sound Mind, made a Purchase of some Lands in said District for his Accommodation, for which, as well as on other Considerations, he became indebted to sundry Persons in large Sums; that his Personal Estate is but small, and some of his Creditors who stand in Need of their Dues, are disposed to demand the same in Law, which (if done) would prove very prejudicial to his Estate; and praying, that he may be empowered to sell the whole of the Real Estate of the said *Gideon*, the Proceeds thereof to be applied in the first Place for Payment of his just Debts, and the Remainder for his necessary Support and Comfort.

Read and Ordered, That this Petition be committed to Col. *White*, Mr. *Lyman*, and Mr. *Pierce*, to consider, and Report what they judge proper to be done thereon.

Whereas many private Soldiers raised by this Government for his Majesty's Service the last Year, under the Command of his Excellency the Earl of Loudoun, were killed or died in that Service, leaving no Real Estate, and but little more of Personal Estate than their Wages:

Resolve relating to deceased Soldiers Wages.

Therefore Resolved, That in every such Case, the Widow of said deceased Soldier, or the next of Kin to said Intestate, shall, and hereby is, empowered to receive such Wages, without taking Letters of Administration on such deceased Person's Estate: and that the Treasurer be and hereby is directed to pay them accordingly; they to be alike accountable and liable to the Actions of the Creditors and Heirs, as if they had taken Letters of Administration.

Sent up for Concurrence.

The House being informed, that their Vote passed the 29th of November last, on the Affairs of the *Punkapaug* Indians, by some Means had not been passed on by the Board;

Ordered, That Col. *Jones* go up with a Message to the honourable Board, to desire that the Accounts of the Guardians of the *Punkapaug* Indians, with the Papers accompanying the same, may be sent down.

Message to the Board.

Who returned, That he had delivered the Message.

The said Papers were brought down, and laid on the Table accordingly.

Whereas it is represented to this House, that the Assessors chosen for Sherbourn, on the Island of Nantucket, for the Year 1756, were not sworn or affirmed as prescribed by Law within seven Days after they were chosen, altho' they were regularly chosen and sworn or affirmed, before said Taxes were made; from which great Difficulties are like to arise, and many Law-Suits, by Reason said Assessors were not sworn or affirmed, within the Time limited by Law:

Vote relating to Nantucket Assessors.

Voted, That the said Assessment made by the said Assessors for the Year 1756, be, and hereby is, declared as good and valid in Law to all Intents and Purposes, as it would have been, had the said Assessors been sworn or affirmed, within seven Days from their being chosen.

Sent up for Concurrence.

Petition of
Mary Knox.

A Petition of *Mary Knox* of *Boston*, in the County of *Suffolk*, setting forth, that her Husband sailed some Time since, Commander of a Privateer, on a Cruise against his Majesty's Enemies, and left her but little for the Support of herself, an aged Mother and four Children, whereby she has been put to great Difficulties for their Subsistence ; and praying, that the Court of Sessions may be impowered to Licence her as a Retailer of spirituous Liquors in said Town, for her Relief.

Read and *Ordered*, That the Prayer of this Petition be granted ; and that the Justices of the Court of General Sessions of the Peace for the County of *Suffolk*, be, and they hereby are, impowered at their next Sitting by Adjournment, on the eleventh Day of *May* next, to grant the Petitioner a Licence (if they see fit) to Retail strong Liquors in small Quantities in the Town of *Boston*, she having obtained the Approbation of the Select-Men of said Town for that Purpose, the Time for granting Licences being elapsed notwithstanding.

Sent up for Concurrence.

Petition of
Henry Atkins,
Junnr.

A Petition of *Henry Atkins*, Junr. of said Town of *Boston*, setting forth, that from the many Misfortunes he has met with in his Trade and Business, he has been obliged to take the Benefit of the Bankrupt-Act ; but by the Assistance of his Friends, has lately opened a small Shop, to enable him to support his Family, and among other Things has been advised to Retail spirituous Liquors ; and praying, that the Court of Sessions may be impowered to Licence him accordingly.

Read and *Ordered*, That the Prayer of this Petition be granted ; and that the Justices of the Court of General Sessions of the Peace for the County of *Suffolk*, be, and they hereby are, impowered at their next Sitting by Adjournment, on the eleventh Day of *May* next, to grant the Petitioner a Licence (if they see fit) to Retail strong Liquors in small Quantities in the Town of *Boston*, he having obtained the Approbation of the Select-Men of said Town for that Purpose, the Time for granting Licences being elapsed notwithstanding.

Sent up for Concurrence.

Vote relating to Peti-
tion of *Sam.*
Harris.

On a Motion made and seconded, *Voted*, That the House Reconsider their Vote for dismissing the Petition of *Samuel Harris*, as entred Yesterday ; and that Mr. *Morey*, Mr. *Lancaster*, and Capt. *Benjamin Milliken*, be a Committee to take the same under Consideration, and Report thereon.

Petition of
Jonathan
Wheelock.

A Petition of *Jonathan Wheelock*, Executor of the last Testament of *Daniel Thayer*, late of *Charlton*, in the County of *Worcester*, deceased, setting forth, that the said *Daniel* left but a small Personal Estate insufficient to pay his just Debts, so that it is necessary some of his Lands should be sold ; that the Income of the Remainder will be greatly short of maintaining the Deceased's Minor Children ; and as the Value of the Whole is daily decreasing, by the Fences, &c. falling to Decay ; therefore praying, that he may be impowered to make Sale of the whole of

the

the Real Estate of the Deceased, the Proceeds thereof to be applied to the Payment of his just Debts, and the Remainder for the Benefit of the Heirs.

Read and *Ordered*, That Capt. *Howard*, Col. *Osgood*, and Capt. *Spaulding*, be a Committee to take this Petition under Consideration, and Report thereon.

A Petition of *William Swan*, setting forth, that he was a Soldier in the Provincial Forces, and for three Years in General *Shirley's* Regiment the last War ; that he has been engaged in the several Expeditions, that have been carried on for removing the Incroachments of the *French* on his Majesty's Territories ; and by the Hardships he has undergone, is brought into such an ill State of Health, that he is unable to labour for the Support of his Family, and lately by Loss of his Substance by Fire, is now reduced to extreme Poverty ; and praying, that his distressed Circumstances may be considered, and such Relief afforded him as shall be judged meet.

Petition of
Wm. Snow.

Read and *Ordered*, That this Petition be dismiss'd.

The Committee appointed the last Sitting of the Court, to prepare a Bill for Regulating the taking Fish in the Rivers *Merri-* Bill Report-
mack, &c. Reported a Bill Intituled, *An Act in Addition to an Act Intituled An Act for preventing the unnecessary Destruction of Alewives, and other Fish within this Province* :—Which the Chairman read at his Place, and then delivered in at the Table.

Read a first Time, and *Ordered*, That the Bill have a second Reading at three o'Clock Afternoon.

On a Motion made and seconded, *Ordered*, That Mr. *Flucker* go up with a Message to the honourable Board, to enquire whether they have passed on the Vote of the House, relating to the Charge incurred by his Excellency's providing a Train of Artillery on the late Alarm ?

Messages to
and from the
Board.

Who returned, that he had delivered the Message.

Samuel Watts, Esq; came down from the honourable Board, to acquaint the House, that they had non-concur'd the said Vote.

Ordered, That Col. *Quincy* go up with a Message to the honourable Board, to desire that the Vote of the House relating to Payment of the Charge of providing a Train of Artillery ; as also the Vote of the House, for an Establishment for those of the Militia who marched the last Summer for the Relief of Fort *William-Henry*, may be sent down.

Mr. Secretary *Oliver* brought down the said Votes, with the Papers accompanying the same, and laid them on the Table accordingly.

A Petition of *Philip Katon* of *Boston*, in the County of *Suffolk*, setting forth, that he enlisted into the Forces raised by this Province for the last Year's Campaign, and continued in the Service 'till the latter End of *October*, but by some Mistake was omitted being born in any Muster-Roll, and thereby deprived of his Wages ; and praying, that he may be allowed to receive his Pay for the Time he was in the Service.

Petition of
Philip Katon.

Read

Read and *Ordered*, That the Petition be committed to Capt. *Brown*, Mr. *Stone*, and *Joseph Cushing*, Esq; to consider, and Report thereon.

Petition of
*Charles Ap-
thorp*, Esq;
and others.

A Petition of *Charles Apthorp*, Esq; and sundry others, principal Merchants in the Town of *Boston*, in the County of *Suffolk*, setting forth, that they are taxed in said Town, in a Proportion vastly beyond what others of equal Estates pay in any other of the Colonies, or in any other Towns of this Province; that they receive no Advantage by living in said Town (it's Trade being to much decayed for some Years past) to Counter-balance their excessive Taxes, and must soon be obliged, in Justice to themselves and Families, to remove into some other Town in this or some neighbouring Government, as sundry of the Wealthiest of the Inhabitants have already done, unless speedily relieved; and praying, that the Circumstances of the Town may be taken into Consideration, and that by a new Valuation, or some other equitable Way the said Town's true Proportion of the public Taxes may be ascertained, and they obliged to pay no more than others of like Estates in other Parts of the Province, which they have been always willing cheerfully to submit to.

[Wealthiest]

Read and *Ordered*, That Col. *Hale*, Col. *White*, Col. *Quincy*, Mr. *Foster*, and Mr. *Morey*, be a Committee to take this Petition under Consideration, and Report what they judge proper for this Court to do thereon.

Petition of
Wm. Gregory.

A Petition of *William Gregory*, shewing, that by Reason of some Delays in the public Offices, the Writ of Review he was allowed by the Order passed this Court in *December* last on his Petition then before them, to take out against *Joshua* and *Abraham Prebble*, was not seasonably delivered to the Sheriff, whereby he has lost the Benefit of said Order; and, as he apprehends it will be difficult to take the Defendants on said Process, praying, that he may be empowered to Review said Action at the next Superior Court, after he shall be able to get the said Writ served on either of the said Defendants.

Read and *Ordered*, That Mr. *Pratt* prepare the Draught of a proper Vote to be pass'd this Court, granting the Prayer of the Petition.

Report on
Petition of
Nich. Sever,
Esq; &c.

The Committee appointed on the Petition of *Nicholas Sever*, Esq; and others, made a verbal Report thereon; which was accepted; and

Whereas it appears to this Court, that the Proceedings of the Inhabitants of the Town of Kingston at their Meeting in March last, as within mentioned, were illegal; Therefore

Voted, That the Select-Men of said Town be, and they are hereby authorized and empowered to issue their Warrants to the Constable of said Town, to notify the Inhabitants qualified by Law, to meet at such Time and Place as they shall see fit to appoint, to chuse Town-Officers for the ensuing Year; and that the Choice that shall be made at such Meeting of the Inhabitants,

tants, legally warned and assembled, shall be deemed and hereby is declared to be good and valid in Law to all Intents and Purposes ; and that all Town Officers so chosen shall be subjected to the same Penalties, and when duly sworn into their respective Offices, shall be held to the same Duty ; and all their Proceedings therein (in other Respects legal) shall be deemed and hereby is declared as good and valid in Law, as if they had been chosen in the Month of *March* last, agreeable to Law.

Sent up for Concurrence.

Ordered, That Col. *Ruggles*, Col. *Israel Williams*, Mr. *Bradbury*, Col. *Gerrish*, Capt. *Waldo*, Mr. *Lyman*, and Col. *Hale*, be a Committee to take under Consideration the State of the Frontiers, and prepare an Establishment for their Protection and Defence, and Report ; and that the several Petitions from the Inhabitants on the Frontiers be committed to the said Committee.

Committee
on Frontiers.

A Petition of *Nathanael Dwight*, in Behalf of the Inhabitants of a new Plantation called *Cold-Spring* in the County of *Hampshire*, praying that some Act or Order may be passed this Court, directing in what Manner a Meeting of said Inhabitants shall be warned and assembled, for transacting sundry Affairs of a public Nature, which they apprehend, under their Circumstances, they are not enabled to call by any Law now in Force, and to empower them for the future, to assemble for all such Business, as the Proprietors of Plantations are by Law enabled to transact.

Petition of
*Nathanael
Dwight*.

Read and *Ordered*, That Col. *Israel Williams*, Mr. *Morey*, and Capt. *Brown*, be a Committee to consider this Petition, and Report thereon.

On a Motion made and seconded, The Petition of *John Sears*, as entred the 8th of *March* last, was read again, together with the Evidences and Papers relative thereto, now presented to the Court ; and *Ordered*, That the said Petition be recommitted.

Order on
Petition of
John Sears.

Post Meridiem.

The Committee appointed on the Petition of *Nathanael Low* and *Margaret Burnam*, Reported thereon.

Report on
Petition of
Nath. Low.

Read and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that the Petitioners, viz. the said *Nathanael*, Guardian as mentioned, and the said *Margaret*, be, and they hereby are empowered to make Sale of *thirty Pounds* worth of the Real Estate of the said *Margaret* mentioned, for the most the same will fetch, and to make and execute a good & sufficient Deed or Deeds of the same, they observing the Rules of the Law respecting the Sale of Real Estates by Executors and Administrators, and that the Sum arising by said Sale be put into the Hands of Deacon *Joseph Appleton* of *Ipswich*, and by him to be applied for the Support of the said *Margaret*, he to Account with the Executors or Administrators of the said *Margaret* for his Proceedings herein, when demanded. Sent up for Concurrence.

Committee
for a Bill.

On a Motion made and seconded, *Ordered*, That Col. *Hale*, Judge *Russell*, and Col. *White*, be a Committee to project a Scheme for supplying the Treasury with a Sum of Money by Lottery, and Report.

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A Bill Intituled *An Act in Addition to an Act Intituled An Act for preventing the unnecessary Destruction of Alewives and other Fish within this Province.*

Read a second Time ; and Recommitted for the Amendments proposed.

Message
from the
Governor.

Mr. Secretary *Oliver* came down with a Message from his Excellency the Governour, to both Houses ; which he read and laid on the Table.

His Excellency's said Message is as follows, viz.

Gentlemen of the Council, and House of Representatives,

IN Order to prevent any Uncertainty as to the Number of Men raised by Inlistment, as well as to prevent any Injury to the Province in the Payment of the Bounty, I settled and prepared a Form of a Return to be made to the Adjutant-General, of the Men raised by the Colonels of the several Regiments of Militia, as also by the Colonels of the Regiments now raising ; and I expected these Returns to be compleated by the first Day of the Sitting of the Court ; but several of the Colonels have made no Return at all, and others have done it so incorrect, that the whole Number cannot at present be collected with Certainty.

But as this Affair will not admit of any Delay, I shall order those Returns which the Adjutant-General, whose Services on this Occasion I cannot but acknowledge, has been able to compleat, to be laid before you ; And as I do not think I can depend upon a greater Proportion of Men from those Regiments, from which no Return has been made, than from those whose Numbers are ascertained, there must be a considerable Deficiency.

I must therefore Recommend it to you, to consider in what Manner the Deficiency, whatsoever it may be, shall be made up, so as to be the least Burthen some to the good People of this Province.

Thursday 20th April, P. M.

T. POWNALL.

His Excellency's Message aforegoing was read, together with the Papers referred to therein : And immediately taken under Consideration by the House : And after a large Debate,

Vote relating to Levies.

Voted, That the Time for raising the intended Levies for the Expedition against *Canada*, by Inlistment, be lengthened out upon the same Bounty, till the second Day of *May* next ; and in Case the Number of Forces voted to be raised by this Government, shall not be compleated by four o'Clock in the Afternoon on said Day, that his Excellency the Captain-General be desired to give Orders for making up the Deficiency by an Impress.

Sent up for Concurrence. And

Ordered, That Mr. *Prat*, Col. *Israel Williams*, and Col. *White*, be a Committee to prepare and bring in a Bill accordingly.

Then the House adjourn'd 'till to Morrow Morning Nine o'Clock.

Ueneris 21. Die Aprilis, A. D. 1758.

A Memorial of *Thomas Hutchinson*, Esq; of *Milton*, in the County of *Suffolk*, setting forth, That in the Year 1756, a Number of the *French* Inhabitants of *Nova-Scotia*, were put under his Care ; that he hir'd an House for them to dwell in, and by encouraging them to Labour, and supplying them with Work, they have hitherto been supported without any Charge to the Province, except some trifling Charge for a few Visits of a Doctor, that he is willing still to provide for their Support in the Manner he has hitherto done ; but as one of the Men is now, and for some Time past has been in an ill State of Health, and incapable of Labour, praying, that he may, for the future, be allowed a Sum not exceeding *two Pounds thirteen Shillings & four Pence* per Annum, for Pay of House Rent for them.

Memorial
of *Tho. Hutchinson*, Esq;

Read and *Ordered*, That the Prayer of this Memorial be granted, and that there be allowed to be paid out of the public Treasury to the Memorialist, the Sum of *two Pounds thirteen Shillings and four Pence* yearly, for providing the *French* People mentioned, with a House to dwell in for the future, during the Time he shall have the said People under his Care. Sent up for Concurrence.

A Petition of *Dorcas Viscount* of *Boston*, in the County of *Suffolk*, Widow, setting forth, That she presented a Petition to this Court some time in the Winter Sessions, for Liberty to sell a Wooden Dwelling House, Part of the Estate of her late Husband *Philip Viscount* deceased, which is much out of Repair, and likely soon to fall to Decay, which Petition she understands was dismissed the Committee that viewed the said House being of Opinion, that the same might be put into Tenantable Repair at a very small Expence ; that she has since had the same examined by a Workman, who has given a Certificate, now exhibited, of what he apprehends will be the necessary Cost of Repairing the same, which Sum is more than she is able to advance ; and praying, that she may be empowered to sell the said House and Land, under such Restrictions and Regulations as shall be judged reasonable.

Petition of
Dorcas Viscount.

Read, and *Ordered*, That this Petition be committed to Mr. *Goldthwait*, Mr. *Lancaster*, and Mr. *Humphry*, to consider, and Report what they judge proper to be done thereon.

The Committee appointed on the Petition of *Abigail Langdon*, and *James Wilson*, Reported thereon.

Report on
Petition of
Abigail Langdon.

Read, and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that the Petitioner (in her said Capacity) be, and hereby is, authorized and empowered to make and execute a good & sufficient Deed of the three Acres and thirty Rods of Land mentioned, to the said *James Wilson*, his Heirs & Assigns, he the said *James* giving a good and sufficient Deed to the Heirs of the said *Nathaniel*, of the Land he was to give in Exchange for the said three Acres and thirty Rods of Land (provided he has not done it already) agreeable to the Contract made between the

the

the said *James* and *Nathanael*, in the Life-time of the said *Nathanael*. Sent up for Concurrence.

The Committee appointed on Petitions from sick and wounded Soldiers, Reported on sundry of said Petitions.

Report on
Petition of
sick and
wounded
Soldiers.

Read, and accepted, and thereupon, *Resolved*, That there be allowed and paid out of the public Treasury to Mr. *David Wilder*, for the Use of *Henry Haskell*, 20s. for the Use of *Henry Haskell*, Junr. 48s. for the Use of *Jonas Wilder*, £.5 10s. for the Use of *David Johnson*, 45s. 6d. and for the Use of *Uriah Holt*, 40s. 8d. To Mr. *William Stickney*, for the Use of *Samson Crosby*, £.3 17s. 4d. for the Use of *John White*, £.4. and for the Use of *Jonathan Hill*, 36s. 7d. To *Joseph Buckminster*, Esq; for the Use of *Asahel Matthews*, £.5 19s. 7d. and for the Use of *Ebenezer Boutwell*, 48s. To Mr. *Samuel King*, for the Use of *Josiah Smith*, 40s. for the Use of *James Sherman*, 42s. and for the Use of *Thomas Walton*, 36s. To Mr. *Jazaniah Tucker*, for the Use of *John Glover*, £.3 19s. 10d. To Mr. *Samuel Witt*, for the Use of *Richard Barns*, £.3 10s. To Mr. *David Marsh*, for the Use of *Enoch Johnson*, 32s. To Mr. *Richard Bailey*, for the Use of *Daniel Talbot*, 41s. To Mr. *Gideon Lyman*, for the Use of *Elisha Warner*, £.4 1s. To *Nathanael Sumner*, Esq; for the Use of *Samuel Rhoads*, £.4 10s. To Mr. *Fellows Billing*, for the Use of *Ithamar Reed*, £.3. To *Elijah Williams*, Esq; for the Use of *Zebadiah Stebbins*, £.4 10s. To *John Osgood*, Esq; for the Use of *James Carlton*, £.3. To Mr. *Benjamin Hills*, for the Use of *Thomas Hadley*, £.5. To *Thomas Greenwood*, Esq; for the Use of *Josiah Robinson*, £.8 11s. and to Mr. *Joseph Goldthwait*, £.6 being in full Consideration of the Expences in their Petitions respectively mentioned. Sent up for Concurrence.

Vote relat-
ing to Boun-
ty for Levies.

Voted, That his Excellency the Governour be desired to issue his Proclamation, promising the same Bounty to such as shall enlist into the Service on the proposed Expedition against *Canada*, on or before the second Day of *May* next, four o'Clock Afternoon, that has been already voted by this Court to such as have enlisted into said Service, before the 15th Instant ; and that his Excellency would be pleased to apportion the 7000 Men voted to be raised for said Service, on the several Regiments & Troops of Horse within this Province, without having Regard to any belonging to such Regiment or Troop that may be absent in any other Service, and inform the chief Commanding Officers of the said Regiments and Troops, of the Number it is expected they should respectively furnish (in the whole) towards the said 7000 Men. Sent up for Concurrence.

Committee
for a Mes-
sage to the
Governor.

On a Motion made and seconded, *Ordered*, That Mr. *Prat*, Judge *Russell*, and Mr. *Flucker*, with such as the honourable Board shall join, be a Committee to prepare the Draught of a Message to his Excellency the Governour, to desire him to Request of Governour *LAWRENCE*, that the 2000 Stands of Arms, the Property of this Government now in *Nova-Scotia*, may be returned to the Province, as soon as may be, and Report.

Sent up for Concurrence.

Post Meridiem.

On a Motion made by the Chair-man of the Committee appointed to prepare a Bill relating to an Impress, in Case the Levies are not compleated by the second of *May*, that they might have the Direction of the House in some Particulars.—And the Question being put,

Vote relating to Levies.

Voted, That any one who shall be Impressed, shall be excused on his paying a Fine of *Eight Pounds*, the Money to be paid immediately, and applied for hiring Men for the Company or Troop such impressed Persons belonged to, and the Overplus (if any) to be returned into the Treasury.—And that the Committee prepare the Bill accordingly.

Samuel Danforth, Esq; brought down the Draught of a Message to his Excellency the Governour, as prepared by the Committee of both Houses, appointed for that Purpose.

Draught of a Message to the Gov. bro't down.

Pass'd in Council, *viz.* In Council *April 21st 1758.*

Voted, That *John Osborne*, and *Benjamin Lynde*, Esqrs; with such as the honourable House shall join, be a Committee to present the Address of both House of this Date to his Excellency.

[Houses]

Sent down for Concurrence.

Read and concur'd ; and *Mr. Prat*, *Col. Choate*, and *Mr. Gridley*, are joined in the Affair.

John Hill, Esq; brought down the following Vote of Council, *viz.* In Council *April 20th 1758.*

Vote of Council, bro't down.

Whereas a Paper signed Robert Hewes, dated Boston 5th April 1758. containing divers Charges greatly affecting the Characters of several Gentlemen in Office in the Government and others, while acting as Committees of the two Houses, was delivered to his Excellency the Governour by the said Hewes; a Copy of which (as he says) he likewise delivered to the Right Hon. the Earl of Loudoun, tending greatly to the Reproach of this Government :

Voted, That *Benjamin Pickman*, and *Robert Hooper*, Esqrs; with such as the honourable House shall join, be a Committee to take the same into Consideration, and Report what they judge proper for the Court to do thereon. Sent down for Concurrence.

Read, together with the Paper accompanying the same, and concur'd ; and *Col. White*, *Mr. Morey*, and *Judge Russell*, are joined in the Affair.

The House proceeded to consider the Accounts of the Guardians of the *Punkapaug* Indians, & other Matters relative to them : And thereupon the following Vote was passed, *viz.*

Vote relating to the Accounts &c. of the *Punkapaug* Indians.

Whereas it appears by the Accounts presented to this Court by the Guardians of the Punkapaug Indians, that there is due from the said Indians to their said Guardians & others, the Sum of Sixteen Pounds thirteen Shillings & five Pence half Penny, agreeable to the Schedule annexed (exclusive of Four Pounds six Shillings & eight Pence, the Amount of Dr. Samuel Gardner's Account, which being loose and not well vouch- ed, is not at present allowed,) and also the further Sum of Five Pounds thirteen Shillings and five Pence, as their Part of the Charges of

taking

[appears]

taking a Survey of their Lands by Order of the General Court, pass'd the 19th of October 1756, amounting in the whole to Twenty two Pounds six Shillings and ten Pence half Penny ; which Debts the said Guardians have no Money belonging to said Indians, whereby they can be discharged : And whereas, it apperrs by the Plan returned to this Court, that the said Indians are possessed of seven Hundred and ten Acres & three Quarters of Land ; Part of which must be sold in order to enable the said Guardians to discharge the said Debts :— For this End, and also more comfortably to provide for the said Indians for the future :

Ordered, That Robert Spur, and Samuel Niles, Jun. Esqrs; and Mr. Joseph Billings, the Guardians of said Indians, be, and hereby are, authorized and impowered to sell three Hundred Acres of the said Indians Lands for the most the same will fetch, at such Places as will be least prejudicial to the said Indians, and most advantageous for Sale, the same to be in small Lots, from ten to twenty Acres ; and the said Guardians are hereby impowered to make Deeds of Conveyance of such Lands, which when duly executed, shall be valid in Law to all Intents & Purposes whatsoever ; the Money arising by such Sale, to be applied to the discharging the said Indians Debts aforesaid, & the Overplus (if any there be) to be let out on Interest by the said Guardians, for the Use of the said Indians, and Security taken to them and their Successors in said Trust ; the said Guardians to be accountable to the General Court for the whole of their Proceedings herein.

And wherers by the aforesaid Order of the General Court, for taking a Survey of the said Indians Lands, one Moiety of the Charge thereof (which appears to be Five Pounds thirteen Shillings and five Pence) was to be born by the English Abutters on said Lands :

It is further Ordered, That the said Abutters be, and hereby are directed to pay their several Proportions of their said Moiety, as expressed in the Schedule hereto annexed ; and that the said Guardians, or either of them, be, and hereby are authorized and impowered to collect and receive the same from the said English Abutters in said Proportion, in the same Manner and Form, and by the same Rules as the Province Taxes are collected by the Constables and Collectors of the several Towns in this Government.

Sent up for Concurrence.

Then the House adjourn'd till to Morrow Morning Nine o'Clock.

Sabbati 22. Die Aprilis, A. D. 1758.

Petition of
Benj. Nurse.

A Petition of *Benjamin Nurse* of *Shrewsbury*, in the County of *Worcester*, shewing. That he was a Soldier in the Forces raised by this Government for the last Year's Campaign, and being taken sick at *Fort-Edward*, was sent down to *Albany*, and remaining sick, was discharged in *September* last ; that on his return homewards, he was seized with the Small-Pox, at *Kenderhook*, and put to
great

great Expence thereby, and for hire of Horse and Man, after he was in some Measure recovered, also to Doctors when he got Home, he remaining in a weak State for a considerable Time after his Return ; and praying for an Allowance for the said Charges, as shall be thought reasonable. Also,

A Petition of *Amos Allen* of *Greenfield*, in the County of *Hampshire*, praying an Allowance of the Charge he was at in bringing home his Servant *Joseph King* from *Albany*, and for his Nursing and Attendance, during his Sicknefs, his said Servant being a Soldier in the Forces raised the last Year by this Government, under the Command of his Excellency the Earl of *Loudoun*. Petition of
Amos Allen.

Read and *Ordeced*, That Capt. *Brown*, Major *Ward*, and Mr. *Aken*, be a Committee to consider the said Petitions, and Report thereon respectively.

Voted, That the commanding Officer of each Company or Detachment of a Company of the Militia that marched on the late Alarm for the Relief of Fort *William-Henry*, be directed to make up a Roll for Pay and Subsistence of himself and Company, as follows, *viz*. Establishment of
Wages on
the late Alarm.

| | |
|---|----------|
| For each Colonel, <i>ten Shillings</i> , | per Day. |
| For each Lieut. Colonel, <i>eight Shillings</i> , | Ditto. |
| For each Major, <i>seven Shillings</i> , | Ditto. |
| For each Chaplain, <i>five Shillings</i> , | Ditto. |
| For each Chirurgeon, <i>four Shillings & six Pence</i> . | Ditto. |
| For each Captain, <i>five Shillings</i> , | Ditto. |
| For each Lieut. <i>three Shillings & nine Pence</i> . | Ditto. |
| For each Ensign, <i>three Shillings</i> , | Ditto. |
| For each Adjutant, <i>three Shillings</i> . | Ditto. |
| For each Sergeant, <i>two Shillings & ten Pence</i> . | Ditto. |
| For each Corporal, <i>two Shillings & nine Pence</i> . | Ditto. |
| For each private Soldier <i>two Shillings & eight Pence</i> , | Ditto. |

And that those Officers and Soldiers that rode on Horses be allowed, over and above the aforesaid Establishment, *eight Pence* for each Day they were detained at the End of their March, until they had Orders to return Home : That, in said Roll he carry out against his own and each of the Officers and Men's Names, their Wages, therein making a Column for the Supplies they received of Taverners and others, deducting the same from the Sums respectively carried out : That such Officers make Oath, that they and their Men were so long in the Service as they are born in their said Rolls : That each of said Officers be allowed one Day's Pay & Subsistence before they marched. That fifteen Miles be accounted a Day's March : That the Tavern-keepers and others, who supplied such Officers and Soldiers, be directed within two Months from this Time, to transmit their Accounts to the Secretary, in order that they may be laid before the House, to be examined by a Committee to be for that Purpose appointed, the said Pay-Rolls not to be pass'd upon before said two Months shall be expired. Sent up for Concurrence.

On

Committee
for Relief of
Soldiers Fa-
milies.

On a Motion made and seconded, *Ordered*, That Col. *Buckminster*, Mr. *Goldthwait*, and Col. *White*, be a Committee to consider, and Report what they judge proper to be done by this Court for the Relief of the Families of such Soldiers belonging to the Forces raised the last Year for his Majesty's Service under his Excellency the Earl of *Loudoun*, as are now in Captivity.

Bill Report-
ed and En-
grofs'd.

The Committee appointed the last Sitting of the Court, to prepare and bring in a Bill for rendering valid, Instruments written on unstamped Paper &c. or on Paper &c. stamped differently from what was required by the late Stamp Act. Reported

A Bill Intituled *An Act for Remedying certain Inconveniencies that have arisen or may hereafter arise, by Means of a late Act of this Province, Intituled An Act for granting to his Majesty several Duties upon Vellum, Parchment and Paper for two Years, towards defraying the Charges of this Government*: Which the Chairman read at his Place, and then delivered in at the Table.

The said Bill was read a first, second & third Time; and pass'd to be Engross'd. Sent up for Concurrence.

Committee
for Vessels,
Horses, &c.

On a Motion made and seconded, *Ordered*, That Mr. *Tyng*, Capt. *Livermore*, Mr. *Bradbury*, Mr. *Turner*, and Mr. *Lyman*, be a Committee to consider of the Expediency of providing Vessels, Horses and Carriages, for transporting the Soldiers, agreed to be raised by this Government for the intended Expedition against *Canada*, with their Baggage, to the Place of Rendezvous, and Report.

Report on
Petition of
John Sears.

The Committee appointed on the Petition of *John Sears*, Reported according to Order.

Read and accepted, and *Ordered*, That the Prayer of the Petition be so far granted, as that the Petitioner be and hereby is enabled in his said Capacity of Guardian, to sell the Real Estate of the said Deceased mentioned, for the most the same will fetch, and to give and execute a good & sufficient Deed or Deeds thereof in the Law; he observing the Directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving Caution to the Judge of Probate for the County of *Barnstable*, that the Proceeds thereof shall be secured, in order for Distribution among said Minors, agreeable to Law.

Sent up for Concurrence.

Report of a
Vote on
Petition of
Wm. Gregory.

Mr. *Prat*, according to Order, Reported the following Draught of a Vote on the Petition of *William Gregory*; Which was read and accepted: viz.

Voted, That the Prayer of this Petition be so far granted, as that the Petitioner be, and hereby is, enabled to Review his said Action at the Superiour Court, to be held in *August* next for the County of *Suffolk*: And in Case the said *Joshua Prebble* and *Abraham Prebble* cannot be found, so as that the Petitioner's Writ of Review cannot be duly served for said next Term, that then the Petitioner may Review said Action at the Superiour Court, to be held for the same County in *February* next; and the Superiour Court be-
fore

fore whom this Action, in Pursuance of this Order, shall be Reviewed, shall be, and hereby are, authorized and impowered to hear, try and determine said Cause according to Right, and to enter up Judgment and award Execution accordingly, any former Judgments or Proceedings thereon notwithstanding.

Sent up for Concurrence.

A Petition of *Rarney Sachee* of *Boston*, in the County of *Suffolk*, Petition of *Rarney Sachee*.
 setting forth, that he enlisted as a Soldier on the last *Crown-Point* Expedition, and continued in the Service under the Command of Col. *Bagley*, for twelve Months ; that after his return Home, he was taken sick, and lay confined at the Time the Treasurer was paying off the Regiment he belonged to, and so was not able to attend to receive his Pay ; that one *Peter Febro*, a Frenchman belonging to said Regiment, counterfeited an Order on the Treasurer in his Name, received his Wages, and converted the same to his own Use ; that the said *Febro* is since enlisted into a Ranging Company, and gone to *Halifax* ; and that by Means of his being thus defrauded, he is reduced to very difficult Circumstances, and in Danger of being put into Goal for the Charges of his Sickness ; and praying that the Affair be taken under Consideration, and such Relief afforded him, as shall be thought reasonable.

Read and Ordered, That Mr. *Stone*, Mr. *Paine*, and Mr. *Wilder*, be a Committee to take this Petition under Consideration, and Report what they judge proper to be done thereon.

The Committee appointed on the Petition of *John Peacock*, Report on
 Reported thereon.— Read and accepted in Part ; And Petition of
John Peacock.

Resolved, That the Prayer of the Petition be so far granted, as that there be allowed and paid out of the public Treasury to *Timothy Ruggles*, Esq; for the Petitioner's Use, the Sum of *twelve Shillings* for the Use of his Gun, which he carried into the Service on the first *Crown-Point* Expedition, and also the Sum of *twenty Shillings*, in Consideration of his Expence in his Sickness mentioned.

Sent up for Concurrence.

A Petition of *Benoni Dickinson*, Executor of the last Testament of *Azariah Dickinson*, late of *Hatfield* in the County of *Hampshire*, Petition of
Benoni Dickinson.
 deceased, setting forth, that, agreeable to the Trust reposed in him, he, in a short Time after the Death of his Testator, gave Possession of such Parts of the Deceased's Real Estate, and paid and delivered Money and other Articles of his Personal Estate to the several Devisees and Legatees, as directed, without taking Security for their repaying their Proportion of any Debts that might thereafter appear due from his Testator, not doubting but that Assets sufficient to discharge all said Debts, would remain in his Hands ; but since his paying off said Legacies, &c. a large Sum has been recovered against him, by one *Hannah Hovey*, on an ancient Contract, which he was entirely ignorant of, which Sum he must be obliged to pay, almost wholly out of his own Estate, unless relieved by this Court, he having but a

very inconsiderable Sum left in his Hands of his Testator's, and the said Devisees and Legatees refusing to bear their proportionable Part thereof; therefore praying, that the Affair may be taken into Consideration, and that they may be obliged to pay or refund several Proportions of the Sum recovered, with a reasonable Allowance for his Trouble and Charges in defending said Action.

Read and *Ordered*, That the Petitioner serve the adverse Party with an attested Copy of this Petition, that they shew Cause (if any they have) on the second Friday of the next *May* Sessions, why the Prayer thereof should not be granted.

Sent up for Concurrence.

Petition of
Joseph Barker.

A Petition of *Joseph Barker* of *Westfield*, in the County of *Hampshire*, setting forth, that he was a Soldier in the first *Crown-Point* Expedition, and at the Battle near *Lake-George*, received a very dangerous Wound, the grievous Effects whereof he must suffer the remaining Part of his Days; and praying the compassionate Consideration of this Court under his difficult Circumstances, and that he may have a Grant of some of the unappropriated Lands of the Province to live on, or otherwise relieved as shall be tho't reasonable.

Read and *Ordered*, That this Petition be committed to Col. *Quincy*, Mr. *Noble*, and Mr. *Foster*, to consider, and Report what they judge proper to be done thereon.

Petition of
Eli Phinney.

A Petition of *Eli Phinney* of *Barnstable*, setting forth, that in *December 1756*, sundry of the Soldiers that had been employed in the Expedition against *Crown-Point* said Year, were brought by Water and landed sick in said Town, the Charge of whose Return to their respective Homes has been paid, as he is inform'd, by the Province; that he was directed to take Care of two of said Soldiers, and carry them Home, but they not being able to Travel, he was obliged to leave them at *Duxbury*, and took their promissary Note for *twenty four Shillings* for his Trouble, whereof he has received *four Shillings and ten Pence* only; and praying, he may receive the Balance due thereon out of the Province Treasury.

Read and *Resolved*, That there be allowed and paid out of the public Treasury into the Hands of Mr. *Edward Bacon*, the Sum of *nineteen Shillings and two Pence*, to be by him paid to the Petitioner, in Discharge of the Balance remaining due on the Note mentioned.

Sent up for Concurrence.

Message to
the Board.

Ordered, That Col. *Quincy* go up with a Message to the honourable Board, to enquire whether they have passed on the Vote of the House of Yesterday, desiring his Excellency to issue his Proclamation, and to apportion the Men agreed to be raised by this Government, for the Expedition against *Canada*, on the several Regiments and Troops within the Province?

Who returned, that he had delivered the Message.

Samuel Danforth, Esq; came down from the honourable Board, to acquaint the House, that they had non-concur'd the said Vote:—And then laid the same on the Table.

John Hill, Esq; brought down the Petition of *Nathanael Ray* Petition of Nathanael Ray
Thomas, and Complaint of *Paul Clermont*, and *Charles Miuse*, as Thomas &c.
 entred the 20th of *March* last, with the following Vote of Council thereon, *Viz.* In Council *April* 22d 1758. bro't down

Ordered, That *Samuel Watts*, Esq; be of the Committee on the within Petition, in the Room of *John Cushing*, Esq; who is absent.
 Sent down for Concurrence. Read and concur'd.

Post Meridiem.

Voted, That his Excellency the Captain-General be desired to apportion the 7000 Men agreed to be raised by this Government for the proposed Expedition against *Canada*, on the several Regiments of Troops of Horse within this Province, without having Regard to such belonging to any Regiment or Troop as may be absent in any other Service, and inform the chief Commanding Officers of said Regiments and Troops, of the Number it is expected they should respectively furnish (in the whole) towards the said 7000 Men :—And that *Col. Israel Williams*, *Col. Marcy*, *Mr. Foster*, and *Col. Osgood*, be a Committee to wait upon his Excellency, with this Vote accordingly. Request of his Excellency.

Mr. Secretary Oliver came down with a Message from his Excellency the Governour, to both Houses :—Which he read, and laid on the Table. Message from his Excellency.

His Excellency's said Message is as follows, *viz.*

Gentlemen of the Council, and House of Representatives,
I Desire to recommend to your Consideration the Memorial of the Officers of the Regiments to be raised for invading *Canada*. When our Fellow Countrymen turn out so chearfully in the Service of their Country, we should not measure our Bounty to them by a scrupulous Reasoning upon strict Right, but by a Generosity that may render the Service as comfortable to them, as the Nature of the Thing will admit.

By looking over the Preparations for the last Campaign, I find there was allowed by the Province, Knap-sacks, Hatchets, Tin-Kettles, and Tin-Flasks : The Importance of this Service does not call for less Preparation. It would also be a great Relief to the Labours of the Men, if some Means were provided of carrying their Baggage to the Rendezvous.

T. P O W N A L L.

His Excellency's Message foregoing was read, together with a Memorial of sundry Officers, appointed for the proposed Expedition against *Canada*, accompanying the same, representing the Necessity of making Provision for several Articles therein enumerated, for some additional Officers, and the Increase of Pay of some others, in order to encourage suitable Persons to engage in the Service :—Which being immediately taken into Consideration by the House, Order on foregoing Message &c.

Ordered, That *Col. Lawrence*, *Mr. Tyng*, *James Russell*, Esq; *Mr. Witt*, and *Mr. Foster*, with such as the honourable Board shall appoint, be a Committee to take his Excellency's Message to both Houses of this Afternoon, with the Memorial accompanying the same, under Consideration, and Report what they judge proper for this Court to do thereon.

Sent up for Concurrence.

The

Order on
Petition of
Joseph Barker

The Committee appointed on the Petition of *Joseph Barker*, Reported according to Order.

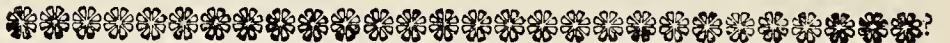
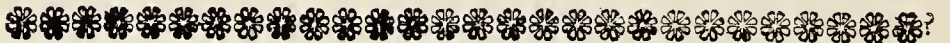
Read and *Ordered*, That the Report be Re-committed for the Amendments proposed.

Petition of
John Stacy.

A Petition of *John Stacy* of *Sturbridge*, in the County of *Worcester*, setting forth, that he was in the Service in *Nova-Scotia* in the Year 1755, and on his Return enlisted into the last *Crown-Point* Expedition, but thro' some Mistake the half Pay he was entitled to by the Votes of the General Court, was omitted in the Muster-Roll of the Company he belonged to ; and praying, that he may be allowed the same out of the public Treasury.

Read and *Ordered*, That Col. *Marcy*, Col. *Lawrence*, and Major *Williams*, be a Committee to examine the Muster-Rolls, consider the Petition, and Report thereon.

Then the House adjourn'd till Monday next ten o'Clock in the Forenoon.



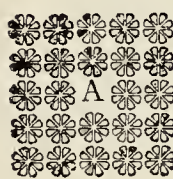



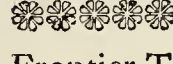


V O T E S

Of the House of Representatives.



Lunæ 24. Die Aprilis, A. D. 1758.


 Petition of *Timothy Woodbridge*, Esq; and *Samuel Brown*,

 in Behalf of the Inhabitants of the Town of *Stock-*

bridge; in the County of *Hampshire*, setting forth, that

 great Part of their Men are enlisted into the Service

 on the Expedition against *Canada*, and they being a
 Frontier Town, when so many of their Men are gone, must be
 greatly exposed to the Incurfions of the Indian Enemy ; there-
 fore praying, that such a Number of Soldiers may be allowed
 for their Protection and Defence, during the Summer Season, as
 shall be thought proper.

Petition of
Timothy
Woodbridge,
Esq; &c.

Read and *Ordered*, That this Petition be committed to the
Committee appointed to consider the State of the Frontiers.

A Petition of *John Barker* of *Rehoboth*, in the County of *Bristol*,
 setting forth, that he enlisted as a Soldier in the last *Crown-Point*
 Expedition, proceeded in the Service, and continued therein'till
 dismissed ; that by the Votes of the General Court, he was en-
 titled to a Blanket, but did not receive any from the Province ;
 that he also found his own Arms, and billeted himself on his Re-
 turn home from the Army, for which he has received no Con-
 sideration ; and praying, that he may have an Allowance there-
 for, agreeable to the Encouragement promised in his Excellen-
 cy's Proclamation.

Petition of
John Barker.

Read and *Ordered*, 'That Mr. *Merrill*, Capt. *Sprague*, and Mr.
Samuel King, be a Committee to take this Petition under Consi-
deration, and Report thereon.

A Petition of *Anne Osgood*, praying an Allowance of *forty four*
Shillings and eight Pence, for taking Care of one *John White*, a
 Soldier in the last *Crown-Point* Expedition, who was left sick at
 her House by Capt. *Joel Bradford*, and continued so for near five
 Weeks, for which she has hitherto received no Consideration.

Petition of
Anne Osgood.

Read and *Ordered*, That this Petition be committed to Mr.
Witt, Mr. *Chadbourn*, and Capt. *Sprague*, to consider, and Report
thereon.

Report on
Petition of
Simcon Tupper.

The Committee appointed on the Petition of *Simeon Tupper*, as entered the 4th of *March* last, Reported verbally :—And thereupon *Resolved*, That there be allowed and paid out of the public Treasury to Mr. *Richard Bailey*, for the Petitioner's Use, the Sum of *forty Shillings*, being the Balance due to him for Wages on the last *Crown-Point* Expedition. Sent up for Concurrence.

Vote on
Petition of
Moses Hoyt.

On a Motion made and seconded, *Voted*, That Capt. *Dalton* have Liberty to withdraw the Petition of *Moses Hoyt*, as formerly entered.

Report on
Petition of
Jonathan Wheelock.

The Committee appointed on the Petition *Jonathan Wheelock*, Reported thereon.

Read, and accepted, and *Resolved*, That the Prayer of this Petition be so far granted, as that the Petitioner in his said Capacity of Executor, be, and he hereby is, impowered to make Sale of the Lands within mentioned, for the most the same will fetch, and to make and execute a good and sufficient Deed or Deeds for Conveyance thereof in Law, he attending the Directions of the Law relating to the Sale of Real Estates by Executors and Administrators, and giving sufficient Caution to the Judge of Probate of the County of *Worcester*, to apply the Proceeds of said Sale to the Payment of the said Deceased's just Debts ; and the Overplus to be divided among his four Sons, agreeable to his last Will and Testament. Sent up for Concurrence.

Committee
for a Bill.

Ordered, That Mr. *Prat*, Mr. *Flucker*, and Col. *Worthington*, be a Committee to prepare and bring in a Bill in further Addition to the Act for granting an Excise on spirituous Liquors, and in Explanation thereof.

Vote on
Petition of
Phin. Wheelock.

On a Motion made and seconded, *Voted*, That Capt. *Hutchins* have Liberty to withdraw the Petition of *Phineas Wheelock*, as entered the 8th of *March* last.

Resolve re-
lating to a
Train of
Artillery.

The House took into Consideration the Affair of the Train of Artillery provided the last Summer, by his Excellency's Directions :— And

Resolved, That there be allowed and paid out of the public Treasury to *John Wheelwright*, Esq; Commissary-General, the Sum of *Three Hundred and three Pounds eighteen Shilling & eleven Pence*, to defrey the Charge incurred by his Excellency's Order, to prepare a Train of Artillery upon the late Alarm :—And that his Excellency be desired, with the Advice of the Council, to issue his Warrant on the Treasury for Payment thereof out of the Appropriation for the Forces raised by this Province for his Majesty's Service, under the Command of the Right Hon. the Earl of *Loudoun*. Sent up for Concurrence.

Report of a
Bill.

The Committee appointed to prepare and bring in a Bill for compleating the Levies for the intended Expedition against *Canada*, Reported a Bill Intituled, *An Act for the speedy Levying of Soldiers for an intended Expedition* :—Which the Chair-man read, and then delivered in at the Table.

The said Bill was read a first Time, and *Ordered*, That the Bill have a second Reading at three o'Clock Afternoon.

The

The Committee to whom was Re-committed the Bill Intituled, *An Act in Addition to an Act Intituled An Act for preventing the unnecessary Destruction of Alewives and other Fish within this Province*, Reported the Amendments propos'd. Report on a Bill.

Read, and accepted, and Ordered, That the Bill have a third Reading at three o'Clock Afternoon.

An Engros'd Bill Intituled, *An Act for the more easy & equitable Division of the Estate of James Townsend, deceased, and of Elizabeth Chauncy, deceased, yet remaining undivided among the Interested*. Bill Enacted.

Read and Resolved, That the Bill pass to be Enacted.

Ordered, That Col. Worthington, and Mr. Paine, be of the Committee appointed to take under Consideration the State of the Eastern and Western Frontiers, in the Room of Col. White, and Col. Hale, who are absent. Col. Worthington, &c. on a Committee.

Sylvanus Bourn, Esq; brought down the Report in Part of the Committee of both Houses appointed on his Excellency's Message of the 22d Instant, and the Memorial of several Officers going in the Expedition, accompanying the same. Report on Governour's Message &c.

Signed John Osborne, per Order.

In Council April 24th 1758. Read and sent down.

The said Report is as follows, viz.

That a good Knap sack, and a Tin Flask or Wooden Bottle, be forthwith provided for each Person going in the Expedition; also a Tin Kettle of ten Quarts, with a small or light Wood-Ax for each Mess, six Men to a Mess:—That a Chaplain's Pay be advanced *forty Shillings*, provided he is an ordain'd Minister, and is obliged to leave his Congregation, and not otherwise; that there be allowed two Chirurgeons Mates in Stead of one.

Read and Ordered, That this Report be accepted with the Amendment at X. Sent up for Concurrence.

On a Motion made and seconded, Ordered, That Mr. Bacon prepare the Draught of a proper Vote to be pass'd this Court, for Adjourning the Inferior Court of Common Pleas, and Court of General Sessions of the Peace (which by Law are to be held for the County of Barnstable, in May next) over to their Term in September next, and Report. Order for Adjournment of Courts.

Post Meridiem.

A Bill Intituled, *An Act in Addition to an Act Intituled An Act for preventing the unnecessary Destruction of Alewives and other Fish within this Province*. Bill Engros'd.

Read a third Time, and pass'd to be Engros'd.

Sent up for Concurrence.

James Bowdoin, Esq; brought down the Bill Intituled *An Act for remedying certain Inconveniencies that have arisen or may hereafter arise by Means of a late Act of this Province, Intituled An Act for granting to his Majesty several Duties upon Vellum, Parchment and Paper, for two Years, towards defreying the Charges of this Government*. Bill bro't. down.

Pass'd

Pass'd in Council, viz. In Council *April* 22d 1758.

Read a first Time, 24th a second Time, and pass'd a Concurrence, with the Amendments at A, & B.

Sent down for Concurrence. Read and concur'd.

Bill Engros'd.

A Bill Intitl'd *An Act for the speedy Levying of Soldiers for an intended Expedition.*

Read a second and third Time, and pass'd to be Engros'd.

Sent up for Concurrence.

Then the House adjourn'd 'till to Morrow Morning Nine o'Clock.

Martis 25. Die Aprilis, A. D. 1758.

Memorial of
*Charles Ap-
thorp, Esq;*
&c.

A Memorial of *Charles Apthorp*, Esq; and others, a Committee of the Town of *Boston*, in the County of *Suffolk*, praying that the great Difficulties the Inhabitants labour under by Reason of the disproportionate Part of the public Taxes laid upon them, notwithstanding the apparent Decrease of their Trade and Business for some Years past, may be taken into Consideration, there being (as they apprehend) the utmost Danger of the Town's being brought to Ruin, unless speedily relieved, as many of the Richest People have already left it, and many others likely soon to follow their Example; that a new Valuation of Estates thro' the Province may be taken as soon as possible, and, in the mean Time, that the Poll-Tax (in it's Nature distinct from the Tax laid on Estates) may be raised in such a Manner as that every Part of the Community may receive a proportionable Advantage therefrom.

Read and *Ordered*, That this Memorial be committed to the Committee appointed on the Petition of the said *Apthorp*, and others, as entred the 20th Instant, for their Consideration; and that the Committee be directed to sit forthwith, and Report as soon as may be, what they judge proper for this Court to do thereon.

Petition of
John Barker,
laid on the
Table.

The Committee appointed on the Petition of *John Barker*, by Leave of the House, laid the same on the Table again without Report, there being no Evidence to sundry Facts set forth therein, accompanying the Petition:

Petition of
Jacob Gates,
&c.

A Petition of *Jacob Gates*, and others, Select-Men of the Town of *Harvard*, in the County of *Middlesex*, setting forth, that one *Zebediah Berry*, a Soldier in his Majesty's Service under the Command of Capt. *Richard Rogers*, being on his Return home the last Year, was taken sick of the Small-Pox at the House of *Tarbell Willard*, in said Town; that the said *Tarbell* was at considerable Expence in providing Doctors and Nurses to take Care of him in his Sicknefs, which the Select-Men have engaged for; and praying an Allowance for said Charges, agreeable to the Account exhibited.

Read and *Ordered*, That the Petition be dismiss'd.

A Petition of *Moses Jones* of the Colony of *Connecticut*, shewing, That he was hired by one *Samuel Phillips* of *Easton*, as a Soldier in the Forces raised by the Government for his Majesty's Service, under the Command of his Excellency the Earl of *Lou-doun*, that he was taken sick of the Small-Pox in *January* last, and was thereby put to great Cost & Charge ; and praying, that he may receive an Allowance therefor, according to the Account exhibited.

Petition of
Moses Jones.

Read and Ordered, That the Petition be dismiss'd.

Mr. *Bacon*, according to Order, Reported the following Draught of a Vote, for Adjourning the Inferiour Court and Court of Sessions of the Peace for the County of *Barnstable* : Which was read and accepted ; viz.

Adjourn-
ment of
Barnstable
and *Duke's-*
County
Courts.

Whereas the Superiour Court of Judicature, Court of Assize and General Goal Delivery, instead of being held at Barnstable in the County of Barnstable for the Counties of Barnstable and Dukes-County, on the first Tuesday of May next, is by Law not be held until the first Wednesday in said May, and the Inferiour Court of Common Pleas, and Court of General Sessions of the Peace for the said County of Barnstable is by Law to be held in the same County on the second Tuesday of May next ; and by Reason of much other public Business, at that busy Season of the Year, great Inconveniencies may happen to the Inhabitants of the same County, if the Inferiour Court and Court of General Sessions of the Peace, should be then held for the same County :

Therefore, Ordered, That the Inferiour Court of Common Pleas, and Court of General Sessions of the Peace, instead of being held at *Barnstable* for the County of *Barnstable*, on the second Tuesday of *May* next in this present Year, shall be held at said *Barnstable* for the same County, on the third Tuesday of *Sept.* next, and not before ; and the Justices of the same Court then & there shall and may proceed to hear and try all Causes, and enter up Judgment, in the same Manner as if it was the Time fixed by Law for such Matters : And all Appeals, Procceses & Matters, that by Law ought to have come before, or been entred in said Court on the second Tuesday of *May* in this Year, are hereby Adjourned and continued over to said third Tuesday of *September* next, and shall have then Day in Court accordingly. Sent up for Concurrence.

Ordered, That the Committee on Petitions of sick & wounded Soldiers, be directed to sit forthwith, and Report as soon as may be.

Committee
directed.

The House being informed, That by some Oversight, their Resolve on the Petition of *Nathanael Austin*, presented the last *May* Sessions, had not been passed on by the Board :

Message to
the Board.

Ordered, That Capt. *Hubbell* go up with a Message to the honourable Board, to desire the said Petition may be sent down.

Who returned, That he had delivered the Message.

An Engross'd Bill Intituled *An Act for preventing Loss or Damage by Means of a Non-observance of a late Act of this Province, Intituled An Act for granting to his Majesty several Duties upon Vellum, Parchment and Paper, for two Years, towards defraying the Charges of this Government.*

Bill Enacted.

Read and Resolved, That the Bill pass to be Enacted.

S f f f f

Ordered,

Committee
on Gov.
Message.

Ordered, That Mr. *Prai*, Col. *White*, and Mr. *Flucker*, with such as the honourable Board shall appoint, be a Committee to take under Consideration his Excellency's Message to both Houses of the 18th Instant, and the Papers accompanying the same, and Report what they judge proper for this Court to do thereon.

Sent up for Concurrence.

Order relating to
Commissaries.

The House being informed, That several of the Commissaries employed on the last *Crown-Point* Expedition, were attending, agreeable to the Direction of the House ; but that the Captains directed to attend, with the said Commissaries on Friday last, were all gone out of Town, except Capt. *Robinson*.

Ordered, That Commissary *Savage*, and the said Captain *Robinson* be directed to attend the House :

Who attended accordingly.

And after being examined by the House, on sundry Matters relative to the said Commissary's Accounts ; They were directed to withdraw.

The House then proceeded to take the Affair under Consideration ; and after a considerable Debate thereon, the further Consideration thereof was referred.

Post Meridiem.

Petition of
Tho. Ellinwood, &c.

A Petition of *Thomas Ellinwood* and *Rebecca Ellinwood*, Administratrix of the Estate of *Edmund Livermore*, late of *Sturbridge*, in the County of *Worcester*, deceased, setting forth, that on her settling her Account of Administration on said Estate, the Balance due to her amounted to considerable more than the Personal Estate of the Deceased ; that one of the Heirs (being a Daughter and married) stands in Need of her Proportion of the Real Estate ; and as selling off Part will greatly hurt the Sale of the whole, and Part at least must be sold ; therefore praying Liberty to sell the whole of it, in order to her being Reimbursed the Amount of her Account ; and that she may be allowed one Third of the Income of the Proceeds thereof during Life, instead of her Dower, the Remainder to be divided among the Heirs as the Law directs.

Read and *Ordered*, That Col. *Marcy*, Capt. *Nathanael Smith*, and Major *Reed*, be a Committee to take this Petition under Consideration, and Report thereon.

Petition of
John Trask.

A Petition of *John Trask*, setting forth, That in the latter End of the Year 1755, and the Beginning of 1756, he was employed to take Care of sick Soldiers at Fort *William-Henry*, for the Space of fourteen Weeks, which Service he attended with Constancy and much Fatigue ; but has hitherto received no Consideration therefor ; and praying that he may have such Allowance for his said Services as shall be judged reasonable.

Read and *Ordered*, That Mr. *Humphry*, Mr. *Bradbury*, and Mr. *Paine*, be a Committee to take this Petition under Consideration, and Report thereon.

A Petition of *John Bartlet* of *Plymouth*, setting forth, That for some Years past, he kept a Tavern in the House formerly *Thomas Wethrel's*, and in *September* last was Licenced in the House where *Capt. Joseph Shurtleff* lived, that the said House having been lately sold, he has purchased a convenient Dwelling-House for carrying on the same Business, but cannot give public Entertainment therein, without being particularly Licenced for that Purpose; and praying that the Court of Sessions for said County may be enabled to grant him a Licence accordingly.

Read and *Ordered*, That the Prayer of this Petition be so far granted, as that the Justices of the Court of General Sessions of the Peace for the County of *Plymouth*, be, and they hereby are, impowred, at their Sessions in *May* next, to grant the Petitioner a Licence (if they see fit) to give public Entertainment at his House lately purchased in the Town of *Plymouth*, as mentioned, provided he procure the Approbation of the Select-Men of said Town for that Purpose, the Time for granting Licences being elapsed notwithstanding.

Order
thereon.

Sent up for Concurrence.

The Committee appointed on Petitions from sick and wounded Soldiers, Reported on sundry of said Petitions; which were read, and the Reports accepted: And thereupon

Report on
Petitions
from sick and
wounded
Soldiers.

Resolved, That there be allowed and paid out of the public Treasury to *John Worthington*, Esq; for the Use of *Elisba Ferry* 36s. for the Use of *Moses Stebbins* 13s 10d. and for the Use of *Stephen Stebbins*, 36s. To *William Lawrence*, Esq; for the Use of *William Nutting*, £.4 5s. 4d. and for the Use of *Benj. Woolson*, £.3 11s. 8d. To *Moses Marcy*, Esq; for the Use of *David Smith*, 50s. for the Use of *John Rook*, 40s. and for the Use of *Philip Clemons*, £.4 5s. To *Capt. James Barret*, for the Use of *Wm. Pool*, 40s. To *Caleb Cushing*, Esq; for the Use of *Elizabeth Wingate*, £.3 10s. 2d. To *Mr. Thomas Morey*, for the Use of *Lydia Winchel*, £.10 1s. 5d. To *Joseph Cushing*, Esq; for the Use of *James Otis*, 22s. To *Thomas Foster*, Esq; for the Use of *Moses Barrow* and *Seth Barrow*, £.4. To *Michael Dalton*, Esq; for the Use of *John Stone*, 53s. 6d. and to *Capt. John Brown*, for the Use of *Oliver Seager*, £.4 13s. 4d. To *Samuel White*, Esq; for the Use of *David Crofman*, £.4 9s. 1d. To *Joseph Buckminster*, Esq; for the Use of *Daniel Evans*, £.3. To *Capt. Peter Coolidge*, for the Use of *Eli Morse*, £.5. in full Consideration of the Expenses in their Petitions respectively mentioned.

Sent up for Concurrence.

The said Committee Reported on the Petition of *Rachel Gould*.

Read and not accepted, and *Ordered*, That the Petition be dismiss'd.

Report on
Petitions of
Rachel Gould,
and *John
Brook*.

The said Committee also Reported on the Petition of *John Brook*; and on a Motion made and seconded, *Voted*, That *Mr. Pierce*, who presented the Petition, have Liberty to withdraw the same.

The House Re-assumed the Consideration of the Affair of the Commissaries Accounts; and the Report of the Committee on their Accounts being read again; and a large Debate had thereon,

The

The Question was put, *Whether it be the Mind of the House to accept of the Report?* And it pass'd in the Negative. And Ordered, That the Report be Re-committed.

Bill Report-
ed.

The Committee appointed to project some Method for supplying the Treasury by a Lottery; Reported a Bill Intituled *An Act for supplying the Treasury with a Sum of Money by Lottery*: Which the Chair-man read at his Place, and then delivered in at the Table.

The said Bill was read a first Time; and Ordered, That it have a second Reading at ten o'Clock to Morrow Morning.

Vote on
Memorial of
*Jedediah
Prebble, &c.*

The Memorial of *Jedediah Prebble, Esq;* and others, appointed Colonels in the Forces voted to be raised for the intended Expedition against *Canada*, as entred the 25th of *March* last, was read again: And after a Debate thereon, the Question was put,

Whether it be the Mind of the House to grant the Prayer of the Memorial? And it pass'd in the Negative. And

Voted, That Liberty be given to the Memorialists to withdraw the same.

Bill brought
down.

James Minot, Esq; brought down the Bill Intituled *An Act for the speedy Levying of Soldiers for an intended Expedition*. Pass'd in Council, viz. In Council *April* 24th 1758. Read a first Time. 25th Read a second Time, and pass'd a Concurrence, with the Amendments annexed. Sent down for Concurrence.

Read, and concur'd the Amendments at A, B, C; & D. and non-concur'd the Amendment at E. Sent up for Concurrence.

Petition of
John P. Bull.

A Petition of *John P. Bull* of *Deerfield*, in the County of *Hampshire*, setting forth, That he engaged as an Armourer in the first *Crown-Point* Expedition, and faithfully attended the Duty of his Station; that he was informed before he engaged in the Service, that the Allowance for an Armourer was *four Pounds* per Month, but was made up at the Rate of 40s. only, in the Muster-Roll; and praying, that he may be allowed such a further Sum as in Justice he is entitled to.

Read and Ordered, That this Petition be committed to Capt. *Dalton*, Capt. *Brown*, and Mr. *Humphry*, to consider and Report thereon.

Memorial of
Henry Gibbs,
Esq;

A Memorial of *Henry Gibbs*, setting forth, That during the long Sessions of the Court since the Commencement of the present War, and the late Expeditions have been carrying on by this Government, his Business has been vastly encreased beyond what former Clerks of the House had to do in Time of Peace; and praying, that his extraordinary Services may be taken into Consideration, and he allowed such further Grant as shall be judged reasonable.

Read and Resolved, That there be allowed and paid out of the public Treasury to *Henry Gibbs, Esq;* Clerk of the House of Representatives, the Sum of *Nine Pounds*, in Addition to the Allowance already made him for his Services the Current Year.

Sent up for Concurrence.

Then the House adjourn'd 'till to Morrow Morning Nine o'Clock.

Mercurii 26. *Die Aprilis*, A. D. 1758.

A Petition of *John Rudge* of *Malden*, in the County of *Middlesex*, setting forth, that he being the Keeper of a Mill in said Town, had the Misfortune, by Reason of a Wound he received, to have one of his Legs cut off, which proved very expensive, and left him in poor Circumstances, and unable to support himself by his Labour, without the charitable Help of the Owner of said Mill and others ; that he is lately removed to another Part of the Town, and obliged to betake himself to such Business for his Maintenance, as is agreeable to his peculiar Circumstances ; and praying, that he may be allowed to be a Retailer of spirituous Liquors in said Town, for his more comfortable Support.

Petition of
John Rudge.

Read and *Ordered*, That the Prayer of this Petition be so far granted, as that the Justices of the Court of General Sessions of the Peace for the County of *Middlesex*, be, and they hereby are, impowered (at their next Term) to grant the Petitioner a Licence, if they see fit, to Retail spirituous Liquors in the Town of *Malden*, he first obtaining the Approbation of the Select-Men of said Town, the Time for granting Licences being elapsed notwithstanding.

Order
thereon.

Sent up for Concurrence.

A Petition of *Samuel Haskell*, setting forth, that he engaged in the Service on the Expedition designed against *Crown-Point* in the Year 1755, and was in the Battle near *Lake-George*, on the 18th of *September*, and born in the Muster-Roll 'till that Time ; that he then received a Commission from the late Lieut. Governor, as Adjutant of Col. *Ruggles's* Regiment, but was not born in any Roll afterwards, altho' he did Duty as Adjutant, and was not dismissed 'till the 5th of *December* following ; and praying, that he may receive an Allowance for his said Services, as shall be judged reasonable.

Petition of
Sam. Haskell.

Read and *Ordered*, That Col. *White*, Mr. *Paine*, and Col. *Murray*, be a Committee to take this Petition under Consideration, and Report thereon.

The Committee appointed on the Petition of *Thomas White*, Reported according to Order.

Report on
Petition of
Tho. White.

Read, and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that the Petitioner (in his said Capacity of Guardian) be, and hereby is, authorized and impowered to make Sale of the Lands within-mentioned, for the most the same will fetch, and to make and execute a good and sufficient Deed or Deeds of the same to the Purchaser or Purchasers, he observing the Directions of the Law respecting the Sale of Real Estates by Executors or Administrators, and giving sufficient Caution to the Judge of Probate for the County of *Hampshire*, that the Produce arising by said Sale, shall be applied for the Payment of the just Debts of the said *Gideon*, and the Overplus to be improved

T t t t t

for

for the Support of the said *Gideon* ; and if the said *Gideon* shall come to be of sound Mind again, then the said *Thomas* to be accountable to him for what shall remain in his Hands.

Sent up for Concurrence.

Vote relating to the Relief of Soldiers Families.

The Committee appointed to consider what may be proper to be done for the Relief of the Families of such of the Soldiers employed in the late Campaign under Command of his Majesty's General, as are now in Captivity, Reported according to Order.

Read, and accepted ; and *Whereas many of the Soldiers raised by this Government the last Year for his Majesty's Service under the Command of his Excellency the Earl of Loudoun, are now in Captivity, and the Families of sundry of them may probably stand in Need of Part of the Wages due to such Soldiers :* Therefore,

Voted, That upon any one belonging to the Family of any of said Soldiers, and having the Care thereof, exhibiting to the Province Treasurer a Certificate from the Select-Men of the Town where such Family belongs, shewing that they are sober, discreet People, and are in necessitous Circumstances ; he be, and hereby is, directed to pay to the Person presenting such Certificate, one half of the Wages due to the absent Soldier, as made up in the Muster-Roll of the Company he belonged to.

Sent up for Concurrence.

Bill read & referred.

The Committee appointed to prepare a Bill for Regulating the Courts of Probate, Reported a Bill Intituled, *An Act for further Regulating the Proceedings of the Courts of Probate within this Province :—*Which the Chair-man read at his Place, and then delivered in at the Table. And

Ordered, That the Consideration thereof be referred 'till the next May Sessions.

Treasurer directed.

On a Motion made and seconded, *Ordered*, 'That the Treasurer of the Province be, and he hereby is, directed to put in Suit the Bonds in his Hands from the Farmers of the Duties of Excise on spirituous Liquors, and from the Farmers of the Duties of Excise on Tea, Coffee and China-Ware, where such Farmers have not complied with the Condition of their respective Bonds.

Sent up for Concurrence.

Report on Petition of John Barker.

The Committee to whom was Re-committed their Report on the Petition of *Joseph Barker*, Reported the Amendments proposed.

Read, and accepted, and *Ordered*, That, in Consideration of the Petitioner's extraordinary Services and Sufferings, there be, and hereby is granted to him, of the unappropriated Lands within this Province, in the County of *Hampshire*, one Hundred and ninety Acres, to be laid out at the Charge of the Petitioner, by a skilful Surveyor, and Chain-men under Oath, in a regular Form, and a Platt thereof to be returned to this Court for Confirmation, within twelve Months ; the said one Hundred and ninety Acres to be and remain to the said *Joseph Barker*, his Heirs & Assigns forever : Provided, he the said *Joseph*, his Heirs or Assigns, fulfil and comply with the following Conditions, *viz.* That, within
three

three Years next after the present War with *France* shall be ended, he or they shall build a good Dwelling-House on the above-granted Land, and shall inhabit the same :—The said House to be not less than sixteen Feet square, and not less than seven Feet between Joins ; as also to Fence in not less than ten Acres of Land ; to break the same up, or Stock it with English Grass.

Sent up for Concurrence.

The Committee appointed to take under Consideration the State of the Frontiers, and to prepare an Establishment for their Protection and Defence, Reported according to Order.

Order on
Establish-
ment.

Read and *Ordered*, That the Consideration of the Report be referred 'till three o'Clock Afternoon.

Samuel Watts, Esq; brought down the Bill Intituled, *An Act in Addition to an Act Intituled, An Act for preventing the unnecessary Destruction of Alewives and other Fish within this Province.*

Bill bro't
down and
read.

Pass'd in Council, viz. In Council *April 24th 1758.*

Read a first Time, 26th Read a second Time, and concur'd with the Amendment at A. Sent down for Concurrence.

Read and concur'd.

The Committee appointed on the Petition of *Joseph Whitney*, Reported according to Order.

Report on
Petition of
Joseph Whitney.

Read, and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that on the Petitioner's receiving the Money paid by the said Intestate, or that he is obliged to pay, as set forth in the Petition, he the said *Joseph* (in his said Capacity) be, and he is hereby impowered to pass and execute a good and sufficient Deed of Conveyance of one Half of the Real Estate in the Petition mentioned, to *Stephen Adams*, of whom the Intestate bought it, his Heirs and Assigns ; the said *Joseph* accounting (in his Capacity aforesaid) for the Money he shall receive as aforesaid, to the Judge of Probate for the County of *Middlesex*.

Sent up for Concurrence.

A Petition of *Col. Thomas Gilbert*, praying, that the Hearing appointed to be had before the House on the Articles of Complaint exhibited against him, may not be brought on 'till the Afternoon, as several of his Witnesses are not as yet come to Town ; and that he may be allowed to be then heard by Council.

Petition of
*Col. Thomas
Gilbert.*

Read ; as also the Report of the Committee on the Matters of Complaint exhibited against him :—And after a Debate,

Debate and
Question on
*Col. Gilbert's
Affair.*

Voted, That the said *Gilbert*, and the Complainants, be directed to attend the House, with their respective Witnesses, at three o'Clock Afternoon. And the Question being put,

Whether it be the Mind of the House, that the said Gilbert be then heard by Council ?

It pass'd in the Negative.

Ordered, That *Col. White* go up with a Message to the honourable Board, to desire that a Petition of *Col. Gilbert*, for an Allowance for billeting Soldiers from *Taunton* to *Albany*, in the Year 1755, may be sent down.

Who returned, that he had delivered the Message.

James

Vote relating to Blankets.

James Minot, Esq; brought down the said Petition, and laid the same on the Table accordingly.— Which was read.

On a Motion made and seconded, *Voted*, That all those Persons of whom the Commissary-General hath purchased or shall purchase any Blankets for the intended Expedition against *Canada*, shall be allowed Interest from this Time, on the several Sums that shall be respectively due to them therefor.

Sent up for Concurrence.

Bill Enacted.

An Engross'd Bill Intitl'd *An Act in Addition to an Act Intitl'd, An Act for preventing the unnecessary Destruction of Alewives and other Fish within this Province.*

Read and *Resolved*, That the Bill pass to be Enacted.

Bill refer'd.

A Bill Intitl'd *An Act for supplying the Treasury with a Sum of Money by Lottery.*

Read a second Time; and after a Debate thereon, the further Consideration of the Bill was referred.

Message from his Excellency.

Mr. Secretary *Oliver* came down with a Message from his Excellency the Governour, to both Houses: Which he read, and laid on the Table.

His Excellency's said Message, is as follows, *viz.*

Gentlemen of the Council, and House of Representatives,
THE Court having under Consideration, in Consequence of my Message, the making some Provision for the Soldiers raised by the Government of this Province; I directed the Committee of War to acquaint me what Stores, belonging to this Province, remain'd undispensed of, in the Hands of such Persons as these Stores were delivered to by them: They have made me the annexed Return. I sent for the Commissary Mr. Willis Hall, and he acquaints me of the Contents, as explain'd in the Margin of said Return. I have directed the Secretary to lay these Matters before you: They are the Property of the Province, and the Appropriation of them to any particular Service lies with the General Court: When such Appropriation shall be made, I will direct the Commissary to deliver them out according to such Appropriation.

Council-Chamber,
April 26. 1758.

T. POWNALL.

Bill Enacted.

An Engross'd Bill Intitl'd, *An Act for the speedy Levying Soldiers for an intended Expedition.*

Read and *Resolved*, That the Bill pass to be Enacted.

Post Meridiem.

Committee for a Resolve.

On a Motion made and seconded, *Ordered*, That Major *Williams*, Mr. *Pierce*, and Mr. *Humphry*, be a Committee to prepare a proper Draught of a Resolve to be passed this Court for applying the Fines paid by Persons impressed for the last *Crown-Point* Expedition, now in the Hands of the Treasurers of the several Towns and Districts within this Province, for raising and encouraging Men to enter into the Service, on the intended Expedition against *Canada*, and Report.

The

The Committee appointed on the Petition of *David Bush*, as entered the the 3d of *June* last, Reported thereon. Report on
Petition of
David Bush.

Read and *Ordered*, That the Report lie on the Table.

The Committee appointed on the Petition of *Hezekiah Pur-* Report on
Petition of
Hezekiah
Purrrington.
rington, Reported thereon.

Read, and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that there be allowed and paid out of the public Treasury to *Nathanael Dannel*, Esq; for the Petitioner's Use, the Sum of *nine Pounds*, to enable him to discharge his Note of Hand for one Hundred and fifty Livres, given to Capt. *Josiah Beal*, which the said *Josiah* paid to the Intendant at *Louisbourg*, in order to procure the Ransom of the said *Hezekiah* out of Captivity, as therein mentioned. Sent up for Concurrence.

Mr. Secretary *Oliver* came down with a Message from his Excellency the Governour, to acquaint the House, that Application had been made to him, by the Colonels appointed for the intended Expedition against *Canada*, relative to the Petition they presented to the Court for an Allowance for their Tables, in Stead of the Wages allowed them by the Establishment: Which his Excellency had directed him to lay before the House, Recommending the same to their Consideration. Message
from the Go-
vernour.

The said Memorial was read; and *Ordered*, That the same be taken under Consideration to Morrow Morning ten o'Clock.

Ordered, That Col. *Gilbert* be directed to attend the House; and that the Complainants also attend, with their respective Order rela-
ting to Col.
Gilbert.
Witnesses :

The said Parties attended accordingly : And after the Complainants had been fully heard before the House, on the several Articles of Complaint exhibited against Col. *Gilbert*, with what the said Col. *Gilbert* had to offer in his own Vindication, they were directed to withdraw.

Then the House adjourn'd 'till to Morrow Morning Nine o'Clock.

Jobis 27. Die Aprilis, A. D. 1758.

THE Committee appointed on the Petition of *Thomas and Rebecca Ellinwood*, Reported according to Order. Report on
Petition of
Thomas and
Rebecca Ellin-
wood.

Read, and accepted, and *Ordered*, That the Prayer of this Petition be so far granted, as that the said Petitioners (in their Capacity of Administrators of the Estate of the said *Edmund Livermore*, deceased) be, and they hereby are, impowered to make Sale of the whole of the Real Estate mentioned, for the most the same will fetch, and to execute a good Deed or Deeds in the Law for Conveyance thereof, they observing the Directions of the Law relating to the Sale of Real Estates by Executors and Administrators, the Proceeds whereof to be applied in the following Manner, viz. The Income of one Third thereof to be for the Use of the said *Rebecca*, during her natural Life, in Lieu of her

V v v v v

Dower,

Dower, or Thirds in said Estate ; that after the Debts of said Deceased are paid, the remaining Part of the other two Thirds be divided among the Children of said Deceased, according to Law :—And at the Death of the said *Rebecca*, the said Third also be divided among said Children as aforesaid ; and that sufficient Caution be given to the Judge of Probate for the County of *Worcester*, for applying said Proceeds accordingly.

Sent up for Concurrence.

Memorial of
Capt. *Joseph*
Robinson.

A Memorial of Capt. *Joseph Robinson*, setting forth, that the Order passed this Court in *August* last, on the Petition of *Joseph Jenkins*, and others, relating to a Ferry between *Falmouth* and *Martha's-Vineyard*, by some Means did not come to the Hands of the Clerk of the Court of Sessions for said County, 'till after the said Sessions were over ; and praying, that a like Order may be again passed for the Purposes mentioned in the said Petition.

Read and Ordered, That the Prayer of this Memorial be granted ; and that the said *Philip Dexter*, be, and hereby is, allowed to keep a Ferry for Footmen, from *Falmouth* to the Island of *Martha's-Vineyard*, provided he conform himself to the Rules already stated for the Regulation of said Ferry ; and that the Justices of the Court of General Sessions of the Peace for the County of *Barnstable*, be directed to grant him a Licence at their next Sessions accordingly.

Sent up for Concurrence.

Vote of
Council,
bro't down.

Isaac Royall, Esq; brought down the following Vote of Council,
Viz. In Council *April 25th 1758*.

Voted, That *Ezekiel Cheever*, Esq; with such as the honourable House shall join, be a Committee to dispose of the Boats now lying in *Charlestown*, in which some *French* People came to this Province from the Southern Governments, & render an Account of their Doings therein as soon as may be.—And that *Roland Cotton*, Esq; be directed to render an Account of what he has done, respecting those Boats which were left in the Town of *Sandwich*.

Sent down for Concurrence.

Read and concur'd ; and *James Russell*, Esq; and Mr. *Hall*, are joined in the Affair.

Committee
for List.

Ordered, That Mr. *Flucker*, Mr. *Paine*, and Mr. *Merrill*, be a Committee to prepare a List of the Travel and Attendance of the Members of the House ; and that they make up the same 'till Saturday next inclusively.

Vote for no-
tifying the
Militia.

Voted, That Twenty Thousand Notifications be immediately printed at the Charge of the Province, to be distributed to the several Military Officers, for notifying the Militia of the Muster directed on the second of *May* next.

The House took under Consideration the Complaints exhibited against Col. *Thomas Gilbert*, with the Evidence offered in Support thereof :— And after a Debate thereon,

Ordered, That the Committee on Frauds, take the Affair under Consideration, Arrange the several Articles of Complaint into a proper Method to be laid before the House, and Report thereon.

And,

On

On a Motion made and seconded, *Voted*, That all the Witnesses who attended the Hearing, and have given in their Evidence in Writing, have Liberty to return home.

Gamaliel Bradford, Esq; brought down the Petition of *Nathanael Austin*, & others, as entred the 4th of *June* last, and laid the same on the Table. And thereupon the said Petition was read again, and the following Vote passed thereon, *viz.* Resolve on
Petition of
*Nathanael
Austin*

Resolved, That the Prayer of this Petition be granted ; and that there be allowed to the Petitioners the Sum of *One Hundred Pounds*, in Consideration of their Services mentioned, in Consequence of the said Proclamation issued by the late Lieut. Governor and Council ; and that the same be paid out of the public Treasury to Capt. *Ithamar Hubble*, for their Use, he to be accountable.

Sent up for Concurrence.

Post Meridiem.

The Committee appointed on the Petition of *Rarney Sachee*, Reported thereon. Report on
Petition of
Rarney Sachee

Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to the Petitioner, the Sum of *eleven Pounds nineteen Shillings & nine Pence* ; and that the King's Attorney-General be directed to prosecute *Peter Febro*, for the Fraud suggested in the Petition. Sent up for Concurrence.

On a Motion made and seconded, *Ordered*, That those Members of the House that are able to make Return of the Circumstances of the French Neutrals (so called) in their respective Towns, &c. be directed to do it to Morrow to the Committee appointed to receive the same, and if they cannot do it by that Time, that they make Return as soon as may be. Order rela-
ting to
French
Neutrals

The House proceeded to take into Consideration the Establishment for the Protection & Defence of the Frontiers, as Reported by the Committee appointed to consider the same. Establish-
ment. for
Eastern and
Western
Frontiers.

Read, and accepted, and *Voted*, That there be Pay and Subsistence for one Captain, one Lieutenant, three Sergeants, four Corporals, one Armourer, one Drummer, a Chaplain, and thirty-eight Privates, at *Fort-Halifax*.

At the Store-House at *Cushnoc*, for one Lieutenant, and fifteen Privates.

At the Truck-House at *Saco*, for one Lieutenant, one Corporal, and ten Privates.

At *George's-Fort*, for one Captain, one Lieutenant, one Sergeant, two Corporals, one Drummer, one Armourer, & twenty-eight Privates.

At *Fort-Frederick* at *Pemaquid*, for one Lieutenant, one Sergeant, one Corporal, and twelve Privates.

At *Brunswick*, for one Sergeant, and five Privates, including those already in the Service.

That there be Pay and Subsistence for eleven Privates at *Lebanon*, and for eighteen ditto at *Phillips-Town*.

For fourteen ditto at *Narraganset*, Numb. 1.

For

For fifteen ditto at *Peirson* and *Hobbs's Town*.—And for one Captain, one Lieutenant, two Sergeants, and two Corporals, to command said Men.

For ten Privates at *New-Marblehead*.

For fourteen ditto at *New-Glocester*.

For twenty ditto at *Frankfort*.

For nineteen ditto at *Medammock-Falls*.—And for one Captain, one Lieutenant, two Sergeants, two Corporals, to command said Men —And that his Excellency the Captain-General be desired to employ the Men, for which Pay and Subsistence is provided in the eight last mentioned Places, constantly in Scouting.

That there be Pay & Subsistence for one Sergeant, & five Privates at *Burton's Garrison*, on *George's-River*.—And for one Sergeant, and five Privates at *Henderfon's Garrison*, at the Entrance of said River.

For one Sergeant, and nine Privates at *Madamcook*.

For one Sergeant, and seventeen Privates at *Broad-Bay*.

Which the Captain-General be desired to employ in protecting the Inhabitants when at their Labour, and for a Guard to the Coasters when loading their Lumber, &c.

That there be Pay and Subsistence for two Lieutenants, one Sergeant, two Corporals, a Drummer, and thirty-four Privates, at *Fort-Massachusetts*, and the Block-House at *West-Hoosuck*, including those already there:—And that the Captain-General be desired to Post twenty at *Fort-Massachusetts*, and twenty at said Block-House, and to employ them constantly in Scouting.

That there be Pay and Subsistence for one Sergeant, & seven Privates, at *Shelden's Garrison*.

For one Sergeant, and seven Privates, at *Burk's Garrison*.

For three Sergeants, and thirty-five Privates, at the four Garrisons at *Colrain*.

For one Sergeant, and eleven Privates, at *Taylor's*.

For one Sergeant, and eleven Privates, at *Hawks's*.

For one Sergeant, and five Privates, at *Rice's*, including those that are at this Time in the Service at the aforesaid Places:—And that the Captain-General be desired to employ the aforesaid Men constantly in Scouting.

For one Sergeant, and thirteen Privates, at *Northfield*.

For one Sergeant, and thirteen Privates, at *Greenfield*.

For one Sergeant, and seven Privates, at *Pontoosuck*, at *Williams's Garrison*.

For one Sergeant, and seven Privates, at *Goodrich's Garrison*, including those already there.

For one Sergeant, and fifteen Men at *Stockbridge*.

For one Sergeant, and nine Privates, at *Hunt's Town*.

And that the Captain-General be desired to order the aforesaid Men, now proposed to be furnished, both in the Eastern and Western Frontiers, be raised by Inlistment as soon as may be; and to give the Preference of inlisting for the Block-House at
West

West-Hoosuck, to the Inhabitants of said Place, alternately :— That the Establishment be for a Term not exceeding three Months.—And that the Pay and Subsistence of the Soldiers enlisted, commence on the Day of their Enlistment.—And that the Wages for Officers and Soldiers, be the same as was established by the Court in *April*, the last Year, for Marching and Garrison Officers and Soldiers.

And that the Subsistence for the Soldiers in the Western Frontiers, be the same as was allowed by the Court at their Sessions in *April* the last Year.

Sent up for Concurrence.

Whereas a Grant was made by the late House of Representatives in their September Session in 1757, to Capt. John Whipple, of Ipswich, of the Sum of twenty three Pounds ten Shillings, for paying certain Billeting, &c. due to several Persons, which Grant was concur'd by the Council, but happened not to be Consented to :

Vote on
Petition of
Capt. John
Whipple.

Wherefore,
Voted, That the said Grant of *twenty three Pounds ten Shillings*, be, and it is hereby revived, and the Money ordered to be paid into the Hands of *John Choate, Esq;* by him to be paid to the said *Whipple*, for the Use of those Persons to whom it is due.

Sent up for Concurrence.

John Hill, Esq; brought down the following Vote of Council, on the Papers signed by *Robert Hewes*.

Vote of
Council
bro't down.

Viz. In Council April 27th 1758.

Voted, That *James Minot, Esq;* be of the Committee on the Paper signed by *Robert Hewes*, in the Room of *Benjamin Pickman, Esq;* who is indispos'd.

Sent down for Concurrence.

Read and concur'd.

Robert Hopper, Esq; brought down a Bill Intituled, *An Act in Addition to an Act made and passed this present Year, Intituled An Act for the speedy Leveying of Soldiers for an intended Expedition.*

Order on a
Bill.

Read a first Time, and Ordered, That the Bill have a second Reading at ten o'Clock to Morrow Morning.

The Committee appointed to Arrange the several Articles of Complaint exhibited against *Col. Gilbert*, into a proper Method to be laid before the House, and to take the Affair under Consideration, having attended that Service, Reported as follows, *viz.*

Report on
Col. Gilbert's
Affair.

First, That it appears to them, that the said *Col. Gilbert*, received *twenty one Pounds* Lawful Money of *Capt. Benaiah Bobbit*, for which he never accounted, but in order to avail himself thereof, he gave Encouragement to *Hannaniah Cornish*, and *John Hall*, of having Commissions, in Case they would go into the Service, which they did, and received their Commissions accordingly.

Secondly, It appears that the said *Col. Gilbert*, in the Years 1755 and 1756, did Date back, and ordered to be dated back, sundry Enlistments of Soldiers, whereby the Government was defrauded, not only of the Bounty Money, but the Soldiers also received Wages for a longer Time than they were in actual Service.

X x x x x

Thirdly,

Thirdly, It appears, by sundry Evidences and Col. *Gilbert's* own Confession, that he did receive of Capt. *Willis*, fifty-five Dollars, in Lieu of one Man wanting of the Quota assigned him to raise, for which he has not accounted.

Fourthly, It appears by sundry Evidences, as also by Col. *Gilbert's* own Confession, that in the Year 1755, he received of one *Isaac Samson*, twenty nine Pounds Old Tenor, in Lieu of his Bounty, Gun and advance Wages, he having been enlisted, but did not proceed in the Service, and for which Sum it does not appear said *Gilbert* has ever accounted.

Fifthly, It appears, by sundry Evidences and Col. *Gilbert's* Confession, that in the Year 1755, he received of *John Lawrence*, a sick Soldier, who had Leave from Col. *Ruggles* to return home from the Army, a Note of Hand for ten Dollars and an half, in Lieu of his Bounty and Advance Wages, which the Committee apprehend he had no Right to demand, nor does it appear that he has ever accounted for the same.

Sixthly, It appears that Col. *Gilbert*, in the Year 1755, receiv'd sundry Arms, Ammunition, Blankets, &c. Part whereof he delivered out to the Soldiers, and the Remainder, viz. four or five Arms, some Ammunition, and other Accoutrements, and six or seven Blankets, he retain'd, and applyed to his own Use, and never returned into the Stores again, nor accounted for the same any other Way.

As to the Charge against Col. *Gilbert*, respecting the three Companies of Soldiers transported from *Taunton* to *Albany*, whom he was directed by the Committee of War to supply with Provisions, as appears by the P.S. of their Letter of 2d of *June* 1755:

It appears to the Committee, that Col. *Gilbert* has received more than he ought to have received for Billeting said Soldiers: But as they have not Evidence whereby to ascertain the whole State of the Facts, they cannot determine how much he has received more than he ought.

Read and *Resolved*, That this Report be accepted. And

Ordered, That Mr. *Prat* prepare the Draught of some proper Votes to be passed by this House thereon, and Report.

Report on
Petition of
Thomas Dudley,
&c.

The Committee appointed on the Petition of *Thomas Dudley*, and others, Heirs to the late Hon. *William Dudley*, Esq; informed the House, that a Plan of the Lands mentioned had been returned agreeable to the Directions of the House, but none of the Guardians of the said Indians being present, when the Plan was taken, they had not made any Report thereon; and as Col. *Marcy*, one of said Guardians, had agreed to assist in the Affair, they desired Leave to lay the same on the Table again:— Thereupon,

Ordered, That the Consideration of the Petition be referred to the next *May* Sessions.

Isaac

Isaac Royall, Esq; brought down a Petition of *John Clapham*, of *Lexington*, praying that the Select-Men of said Town may be impowered to appoint some Person in his Room to collect the remaining Part of the Taxes on the List delivered him the last Year as Constable, he being now engaged in the Service on the intended Expedition against *Canada*.

Petition of
John Clap-
ham, bro'
down.

Pass'd in Council, viz. In Council *April 27th 1758*.

Read and Ordered, That the Prayer of this Petition be so far granted, as that the Select-Men of *Lexington*, be, and they hereby are, impowered forthwith to call a Meeting of said Town of *Lexington* (if they see Cause) to chuse a Constable in the Room of the Petitioner, to finish the collecting of the Assessments committed to him; the Petitioner first returning the Assessments and Warrant for collecting said Taxes to the said Select-Men, with an Account of what Part of the Taxes he has gathered; and paying in the same to the several Treasurers to whom said Assessments are payable: And the Constable so chosen shall receive said Assessments, with proper Warrants for collecting and paying the same.

Sent down for Concurrence.

Read and concur'd.

Then the House adjourn'd till to Morrow Morning Nine o'Clock.

Veneris 28. Die Aprilis, A. D. 1758.

John Hill, Esq; brought down the Report of the Committee of both Houses, appointed on the Petition of *Nathanael Ray Thomas*, and the Complaint of *Paul Clermont*, and *Charles Miusse*, as entred the 20th of *March* last.

Order on
Petition of
Nathanael
Ray Thomas,
bro't down.

Signed *Samuel Watts*, per Order.

Pass'd in Council, viz. In Council *April 25th 1758*.

Read, and accepted, and Ordered, That the Province Treasurer cancel the Bond of the Petitioner *Mr. Nathanael Ray Thomas*; and that the Select-Men of the Town of *Easton*, receive and employ, or provide for the French Persons now with *Mr. Thomas*, agreeable to the Order of this Court respecting such.

Sent down for Concurrence. Read and concur'd.

Gamaliel Bradford, Esq; brought down the Vote of the House allowing Part of the Wages of such Soldiers raised for the last Year's Campaign, as are now in Captivity, to be paid for the Relief of their Families.

Vote relating to
Soldiers Wages

Pass'd in Council, viz. In Council *April 26th 1758*.

Read and concur'd with the Amendment at A.

Sent down for Concurrence. Read and concur'd.

Adjourn-
ment of *Ply-*
mouth Inferi-
or Court.

Whereas the Inferior Court of Common Pleas, and Court of General Sessions of the Peace, are by Law appointed to be held at *Plymouth*, for the County of *Plymouth*, on the third Tuesday of May next, and it being a busy Season of the Year, and the important Affairs of the Expedition calling for the Attendance of great Part of the People that may have Business at said Court:

Ordered,

Ordered, That the said Inferior Court of Common Pleas, and Court of General Sessions of the Peace, which by Law are appointed to be holden at *Plymouth* as aforesaid, be, and hereby are Adjourned to the last Tuesday of *September* next, to be held at the Court-House in said Town of *Plymouth*, at ten of the Clock in the Forenoon of said Day ; and all Pleas, Writs, Actions, Suits, Complaints, Processes, Precepts, Recognizances, and all other Things whatsoever, Returnable, and having Day or Days in said Courts, shall stand, abide and continue unto the said Adjournment, and be held, deemed and adjudged to be as good, effectual and available in Law, to all Intents and Purposes whatsoever, as if such Courts had been held and kept on the Day appointed by Law for holding the same.

Sent up for Concurrence.

Order on
Petition of
John Trask,

The Committee appointed on the Petition of *John Trask*, Reported according to Order.

Read, and accepted, and *Ordered*, That the Petition be dismiss'd accordingly.

Report on
Petition of
John Stacey.

The Committee appointed on the Petition of *John Stacey*, Reported thereon.

Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury, to *Moses Marcy*, Esq; for the Use of the Petitioner, the Sum of *two Pounds thirteen Shillings and four Pence*, in full of the half Pay he was entitled to, on his Re-enlisting into the Service on the last *Crown-Point* Expedition.

Sent up for Concurrence.

Report on
Petition of
John Katon.

The Committee appointed on the Petition of *Philip Katon*, Reported according to Order.

Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to the Petitioner, the Sum of *twelve Pounds eight Shillings and three Pence*, in full for his Services in the Forces raised for his Majesty's Service, under the Command of his Excellency the Earl of *Loudoun*, the last Year ; and that the Treasurer be directed to enter the same in Capt. *Waldo's* Muster-Roll.

Sent up for Concurrence.

Petition of
Isaac Searl.

A Petition of *Isaac Searl*, of a Place called *West-Hoosuck*, in the County of *Hampshire*, praying, that he may be allowed to sell spirituous Liquors to such of the Forces voted to be raised for the proposed Expedition against *Canada*, as shall be ordered to pass thro' said Place, on their March to the Place of Rendezvous.

Read and *Ordered*, That the Petition be dismiss'd.

Bill En-
gross'd.

A Bill Intituled *An Act in Addition to an Act made and passed this present Year, Intituled An Act for the speedy Levying of Soldiers for an intended Expedition*.

Read a second and third Time, and a Concurrence to be Engross'd, with the Amendments at A, & B.

Sent up for Concurrence.

Mr.

Mr. *Prat*, according to Order, Reported the following Draught of a Resolve to be passed on the Hearing had before the House, on the Articles of Complaint exhibited against Col. *Gilbert* :—
 Which was read, and accepted, *viz.*

Votes and
Resolves on
Col. *Gilbert's*
Affair.

Whereas it has, upon an Enquiry and full Hearing, appeared to this House, that Lieut. Col. Thomas Gilbert, has been guilty of Unfaithfulness, in the Discharge of some Trusts reposed in him, as a Military Officer ; and sundry Witnesses have been summoned and examined, both before a Committee of this House, and upon the Floor :

Voted and Resolved, That the said Thomas Gilbert, is and shall be liable to pay all such Witnesses for their Travel and Attendance, at the same Rate that Witnesses are to be paid for their Travel to, and Attendance at the Courts of common Law ; and also the respective Officers, who served the Citations, their Fees for serving the same.

Also, *Voted*, That the Attorney-General be directed to prosecute him for all Sums that he has defrauded the Government of.

Also, *Voted*, That his Excellency the Governour, be desired to discard and discharge the said *Thomas Gilbert*, from any Post or Office that he now sustains in the Militia.

Also, *Voted*, That the Governour and Council, be desired to dismiss the said *Thomas Gilbert*, from any Civil Office for which he is in Commission.

Sent up for Concurrence.

Samuel Watts, Esq; brought down the Petition of *Rarney Sachee*.

Petition of
Rarney Sachee,
bro't down.

Pass'd in Council, *viz.* In Council *April 27th 1758.*

Read and concur'd with the Amendment at A

Sent down for Concurrence.

Read and concur'd.

Samuel Watts, Esq; brought down the further Report of the Committee of both Houses, appointed on his Excellency's Message of the 22d Instant.

Further
Report on
Governor's
Message
bro't down

Signed *Samuel Watts*, per Order.

In Council *April 26th 1758.*

Read and sent down.

Read and accepted, with the Amendments at A, & B.

Ordered, That the Committee prepare the Draught of a proper Vote to be passed accordingly ; that Mr. *Bacon*, and Mr. *Stone*, be of the Committee in the Room of Mr. *Tyng*, and Col. *Lawrence*, who are absent :—And that the Committee be directed to sit forthwith, and Report as soon as may be.

Sent up for Concurrence.

Ordered, That Capt. *Barrett*, be of the Committee appointed the 15th of *December* last on the Petition of *Jonathan Stone*, and others, in the Room of Major *Ward*, who is engaged in the intended Expedition against *Canada*.

Capt. *Barrett*, on a
Committee.

Sent up for Concurrence.

Mr. Secretary *Oliver* came down with a Message from his Excellency the Governour, to both Houses :—Which he read and laid on the Table.

Message
from the
Governour.

His Excellency's said Message is as follows, *viz.*

Gentlemen of the Council, and House of Representatives,

IN your Votes that have come up to me, I do not observe that any Provision is made for the Chirurgeon's Chests.

Y y y y y

I

I must acquaint you, that the Crown provides only for the General Hospital, and not for the Regimental Chests : That is a Regimental Affair : No Fund can possibly be found out of the Provision made for the Regiments of this Province for such. 'Tis absolutely the Duty of the Government to take Care for the Health and Lives of it's Soldiers ; and I hope you will give this it's due Weight.

Province-House,

T. POWNALL.

April 28. 1758.

His Excellency's Message foregoing was read, and being immediately taken under Consideration by the House,

Ordered, That his Excellency's Message to the two Houses of this Forenoon, be committed to the Committee appointed on his Excellency's Message of the 22d Instant, to consider, and Report what they judge proper for this Court to do thereon.

Sent up for Concurrence.

Vote on
Memorial of
Colonels.

On a Motion made and seconded, *Voted*, That the Memorial of the Colonels appointed for the intended Expedition against *Canada*, which came down Recommended to the Consideration of the House, by his Excellency the Governour, the 22d Instant, be considered at three o'Clock Afternoon.

Committee
relating to
Stores.

Ordered, That Col. *Quincy*, Dr. *Sayer*, and Col. *Israel Williams*, be a Committee to take under Consideration his Excellency's Message of the 26th Instant, relative to the Stores at *Albany*, and Report what they judge proper to be done thereon.

Memorial of
William Baker.

A Memorial of *William Baker*, Messenger and Door-keeper to his Excellency the Governour, and the two Houses, praying an Allowance for his extraordinary Services the Year past, and Charge of keeping a Servant for his Assistance.

Read and *Ordered*, That this Memorial be taken under Consideration at four o'Clock Afternoon.

Report on
Petition of
John P. Bull.

The Committee appointed on the Petition of *John P. Bull*, Reported thereon.

Read, and accepted, and *Resolved*, That there be allowed and paid out of public Treasury to the Petitioner, the Sum of *fifteen Pounds seven Shillings and six Pence*, in full of the Balance due to him for his Services as an Armourer, in the Expedition against *Crown-Point*, in the Year 1755. Sent up for Concurrence.

Report on
Petition of
Daniel Bishop.

The Committee appointed on the Petition of *Daniel Bishop*, Reported thereon.

Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to Capt *Timothy Walker*, for the Petitioner's Use, in full four Months and eleven Days Wages he was made up short in the Muster-Roll of the Company he belonged to, in the Forces raised the last Year for his Majesty's Service, under the Command of his Excellency the Earl of *Lou-don*.

Sent up for Concurrence.

Order on a
Bill.

A Bill Intituled *An Act for supplying the Treasury with a Sum of Money by Lottery*.

Read a second Time, and *Ordered*, That the Bill be Recommended for the Amendments proposed.

A

A Petition of *Margaret Love* of *Boston*, in the County of *Suffolk*, Widow, shewing, that her Husband (lately deceased) was licensed as a Retailer of spirituous Liquors in said Town for several Years past ; and that she is not able to pay the Deceased's just Debts, and maintain herself and Family any other Way than by continuing to carry on the said Business, which she cannot do by Law, without taking out a Licence in her own Name ; and praying, that the Court of Sessions for said County, may be empowered to grant her a Licence accordingly.

Petition of
*Margaret
Love.*

Read and *Ordered*, That the Prayer of this Petition be so far granted, as that the Justices of the Court of General Sessions of the Peace for the County of *Suffolk*, be, and they hereby are, empowered at their present Sessions (if they see fit) to grant the Petitioner a Licence to Retail spirituous Liquors in the Town of *Boston*, she producing the Approbation of the Select-Men of said Town for that Purpose, the Time for granting Licences being elapsed notwithstanding.

Sent up for Concurrences.

The Committee appointed on the Petitions of *Charles Apthorp*, Esq; and others, Merchants in *Boston*, and of the Inhabitants of said Town, that having attended that Service, and heard the Petitioners, they were of Opinion, that the Inhabitants of the Town of *Boston*, are over-burdened with Taxes more than their Proportion ; but as the Court is so near Rising, and there being many Circumstances attending this Affair, which the Committee have not Time to enquire into thoroughly, so as to ascertain from whence this Inequality arises,—that therefore the further Consideration of said Petitions be referred over to the next *May* Sessions.

Report on
Petition of
*Charles Ap-
thorp*, Esq; &c

Read and *Ordered*, That the Consideration of this Report be referred 'till the Afternoon.

On a Motion made by Capt. *Brown*, Member for the Town of *Leicester*, and seconded by divers Members, *Ordered*, That the Select-Men of the Town of *Leicester*, be, and they hereby are, allowed to remove from said Town to the Town of *Brookfield*, *Jacques Morris*, with eleven of his Family, Part of the French Neutrals (so called) that were placed there by Order of the General Court, in the Year 1756 ; and that the Select-Men of *Brookfield*, be, and they hereby are, required to receive the said French People under their Care, and to provide for them in the same Manner as is directed with Regard to the Inhabitants of *Nova-Scotia*, now within this Province.

Order rela-
ting to French
Inhabitants.

Sent up for Concurrence.

Post Meridiem.

A Petition of *Amos Kemball*, and others, Select-Men of the Town of *Lunenburg*, in the County of *Worcester*, setting forth, that Capt. *James Reed*, Inn-holder in said Town, having engaged in the intended Expedition against *Canada*, the Circumstances of

of

of his Family will not conveniently admit their continuing the same Business in his Absence ; and as Capt. *Joshua Hutchins* is commodiously situated, and well accommodated for that Business. praying, that the Court of Sessions for the said County, may be enabled to Licence him accordingly.

Read and *Ordered*, That the Prayer of this Petition be so far granted, as that the Justices of the Court of General Sessions of the Peace for the County of *Worcester*, be, and they hereby are, impowered at their next Term to grant to Capt. *Joshua Hutchins*, a Licence (if they see fit) to keep an House of public Entertainment in the Town of *Lunenburg*, he producing the Approbation of the Select-Men of said Town for that Purpose, the Time for granting Licences being elapsed notwithstanding.

Sent up for Concurrence.

Order on
Petition of
*Charles Ap-
thorp*, Esq;
&c.

The House Re-assumed the Consideration of the Report of the Committee appointed on the Petitions of *Charles Apthorp*, Esq; and others, Merchants in the Town of *Boston*, and of the Inhabitants of said Town :—Was read again, & accepted ; and

Ordered, That the Consideration of the said Petitions, and Report thereon, be referred to the next *May* Sessions accordingly.

Order on
Petition of
*Christian
Wainwright*.

Ordered, That the Petition of *Christian Wainwright*, as entred the 1st of *December* last, be revived ; and that the Consideration thereof be referred to the next *May* Sessions.

Order on
Petition of
*Wm. Law-
rence*, Esq; &c

The Committee appointed on the Petitions of *William Lawrence*, Esq; *John Farrar*, and *John Boltan*, by Leave of the House laid the same on the Table again without Report :— And

Thereupon, *Ordered*, That the Consideration of said Petitions be referred to next *May* Sessions.

Resolve on
Colonels
Memorial.

The House, according to Order, took under Consideration the Memorial of the Colonels appointed for the proposed Expedition against *Canada*, presented to his Excellency the Governour :— And after a Debate thereon,

Resolved, That the Sum of *five Pounds* per Month be allowed to each of the Colonels employed in the intended Expedition against *Canada*, in Addition to the Wages already allowed them by Establishment.

Sent up for Concurrence.

Vote relat-
ing to Soldi-
ers Fines.

The Committee appointed to prepare the Draught of a Resolve allowing the Fines paid by Soldiers impressed in the Year 1756, to be applied for raising Men for the proposed Expedition against *Canada*, Reported the following Vote :—Which was read and accepted, *viz.*

Voted, That the several Sums of Money lodged in the Hands of the Treasurers of the Towns & District within this Province, arising by Fines collected from Soldiers impressed in the Year 1756, for the *Crown-Point* Expedition, be applied for Raising and encouraging Men for the present Expedition against *Canada* ; and the Treasurers of the several Towns & Districts, are hereby directed to pay the same to Soldiers belonging to the Company

or

or Troop from which such Money was collected, who are or shall be engaged in the Expedition against *Canada*, by Order of the Captain or chief Officer of such Company or Troop.

Sent up for Concurrence.

Mr. Secretary *Oliver* came down with a Message from his Excellency the Governour : Which he read, and laid on the Table. Message from the Governour.

His Excellency's said Message, is as follows, *viz.*

Gentlemen of the House of Representatives,

I Have received a Memorial from Col. *Jarvis*, Agent for the Contractors for Victualling his Majesty's Forces, which I shall direct the Secretary to lay before you.

I see no Disadvantages likely to arise to the Service, if the Provincial Forces in the County of York, and those in the County of Barnstable, who can embark on the South Side of the Cape, should proceed as far as Albany by Water, as it is probable they may go as soon that Way as by Land. If you are of that Opinion, you will make Provision for Transports accordingly. But, as the Passage by Water is attended with some Uncertainty, I cannot think it adviseable for any great Proportion of the Forces to proceed that Way, and I shall therefore give Orders, that Magazines of Provisions be forthwith laid in at proper Stations, for the remaining Part of them ; and if you think it necessary to provide for any Charge that may attend the Transportation of their Baggage, I will give seasonable Direction for the taking up Waggons or Carts accordingly.

Council-Chamber,

T. P O W N A L L.

April 28. 1758.

His Excellency's Message aforegoing was read ; and

Ordered, That the same be taken under Consideration at five o'Clock this Afternoon.

Voted, That the Consideration of the several Petitions from sick and wounded Soldiers now before the House, that have not been, or shall not be passed upon, before the Court Rise, be referred over to the next May Sessions. Vote on Petitions.

A Bill Intituled *An Act for supplying the Treasury with a Sum of Money by Lottery.* Bill Engros'd.

Read a third Time, and pass'd to be Engros'd.

Sent up for Concurrence, by Col. *White*, Mr. *Foster*, and Mr. *Bacon*.

An Engros'd Bill Intituled *An Act in Addition to an Act made and passed this present Year, Intituled An Act for the speedy Levying of Soldiers for an intended Expedition.* Bill Enacted

Read and Resolved, That the Bill pass to be Enacted.

Whereas, in the Year 1757, one Peter Harvey, of the Town of Berkley, enlisted into Capt. Ingersol's Company, for the Crown-Point Expedition, and went into said Service, and died therein ; and thro' a Mistake in making up the Muster-Roll, he is born thereon by the Name of William Harvey : Vote relating to Peter Harvey.

Therefore,

Z z z z z

Voted,

Voted, That the Treasurer be and hereby is directed to pay the Wages as made up in said Roll, to the Mother of the said *Peter*, namely *Rebecca Harvey*, (the said *Peter* being a Minor) notwithstanding the said *Peter* is made up by the Name of *William Harvey*, in said Roll as aforesaid.

Sent up for Concurrence.

Order on
Petition of
Richard Coffin, &c.

The Committee appointed on the Petition of *Richard Coffin*, and others, of *Nantucket*, as entred the 3d of *June* 1755, Reported a Bill for Regulating the Proprietors of said Island :—Which was read by the Chair-man at his Place, and delivered in at the Table. And thereupon,

Ordered, That the Consideration of the said Petition and Bill, be referred to the next *May* Sessions.

Order on
Governor's
Message.

The House, according to Order, took under Consideration his Excellency's Message of this Afternoon :—Which was read again ; and

Ordered, That the same be committed to the Committee on the Part of the House, appointed on his Excellency's Message to both Houses of the 22d Instant, to consider, and Report what they judge proper to be done thereon.

Treasurer
directed to
attend the
House.

Ordered, That Mr. Treasurer *Gray* be directed to attend the House : Who attended accordingly ;—When Mr. Speaker was pleased to enquire of him, whether he was possessed of the Money proposed to be borrowed for raising Men for the intended Expedition ?

Mr. Treasurer acquainted the House, that he had received Part, and as the Taxes were daily coming in, he expected to be able to make up about 20,000, but not more, unless some Persons who subscribed conditionally, were exempted from certain Duties ; and if that was done, he should meet with no Difficulty in borrowing the whole Sum proposed :—But that there was no Provision made for paying the Soldiers Billeting, which he supposed would amount to about *six or seven Thousand Pounds*. And then Mr. Treasurer withdrew.

Report on
Governour's
Message.

The Committee appointed on his Excellency's Message of the 26th Instant, Reported according to Order.

Read, and accepted, and *Voted*, That his Excellency be desir'd to give Directions to the Commissary-General, to dispose of the Province Stores mentioned in his Excellency's Message to both Houses of the 26th Instant, in the best Manner he can for the public Advantage, he the said Commissary-General to be accountable for the Proceeds thereof. Sent up for Concurrence.

Message to
the Board.

Ordered, That Col. *Nichols* go up with a Message to the honourable Board, to enquire, whether they have passed on the Establishment for those of the Militia who marched for the Relief of Fort *William-Henry*, on the late Alarm ?

Message
from the
Board.

Who returned, that he had delivered the Message.

William Brattle, Esq; came down with a Message from the honourable Board, to acquaint the House, that the Board have non-concur'd the said Establishment.

The

The House took under Consideration the Memorial of *William Baker* :—Which was read again ; and

Order on Memorial of *William Baker*.

Ordered, That the same be referred 'till the next *May* Sessions.

Ordered, That Col. *Quincy* go up with a Message to the honourable Board, to enquire whether they have passed on the Establishment for the Protection and Defence of the Frontiers ?

Message to the Board.

Who returned, that he had delivered the Message.

Mr. Secretary *Oliver* came down with a Message from the honourable Board, to acquaint the House, that they had concur'd the Vote of the House for an Establishment for the Frontiers. Mr. Secretary then further informed the House, that he had laid the same before his Excellency the Governour, but that he had declined giving his Consent to it, inasmuch as there was no Principal Officer provided for, on the Western Frontiers for him to correspond with, and give his Directions to, the want whereof he thinks will be attended with great Inconvenience and Trouble.

Message from the Board.

James Bowdoin, Esq; brought down the Report of the Committee appointed to Farm out the Duties of Excise on Tea, Coffee and China-Ware, in the County of *Essex*.

Report on *Essex* Excise bro't down

Signed *Benjamin Lynde*, per Order.

In Council *April* 26. 1758. Read and sent down.

Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to the said Committee, the Sum of *thirty four Shillings and seven Pence*, for their Time and Expences in said Service.

Sent up for Concurrence.

Isaac Royall, Esq; brought down the Bill Intituled *An Act for supplying the Treasury with a Sum of Money by Lottery*.

Bill bro't down.

Pass'd in Council, viz. In Council *April* 28th 1758.

Read and concur'd, with the Amendments at A, B, C, D, & E.

Sent down for Concurrence. Read and concur'd.

James Bowdoin, Esq; brought down the Vote of the House relating to Col. *Gilbert*.

Col. *Gilbert's* Affair refer'd.

Pass'd in Council, viz. In Council *April* 28. 1758.

Read, and non-concur'd ; and *Ordered*, That the Consideration of the Affair be referred to the second Wednesday of the next *May* Sessions.

Sent down for Concurrence.

Read and concur'd.

On a Motion made and seconded, *Ordered*, That Col. *Choate*, Judge *Russell*, and Col. *Quincy*, be a Committee to make Enquiry of the Treasurer, whether there be any Appropriation that will bear a Transfer, for the proposed Expedition, and Report.

Committee for Enquiry.

A Petition of *William Arburthnot*, and others, Officers appointed for the Expedition now carrying on against *Canada*, praying, that in Consideration of their Expences in raising their Men for that Service, and for the Support of themselves according to their Rank in the Army ; as also for the Maintenance of their Families in their Absence, they may be allowed two Months advance Pay, or otherwise relieved in such Manner as shall be judged proper.

Petition of *William Arburthnot*, &c.

Read

Read and *Ordered*, That the Petition lie on the Table, that the Committee appointed to enquire of the Treasurer, make Enquiry with Regard to the Funds, whether any Sum can be raised thereon for the Service mentioned in said Petition, and Report.

Then the House adjourn'd till to Morrow Morning Nine o'Clock.

Sabbati 29. Die Aprilis, A. D. 1758.

Order on a
Bill.

AN Engross'd Bill Intitl'd *An Act for supplying the Treasury with a Sum of Money by Lottery.*

Read and *Resolved*, That the Bill pass to be Enacted. And

Ordered, That Mr. *Flucker, James Russell, Esq;* and Mr. *Tyng*, with such as the honourable Board shall appoint, be the Managers for carrying on one or more Lotteries, for supplying the Treasury with a Sum of Money. Sent up for Concurrence.

Committee
for Enquiry.

The Committee appointed to make Enquiry of the Treasurer relative to the State of the Appropriations and Funds, made a verbal Report, that they had attended that Service, and were informed by the Treasurer, that there was no Appropriation that would bear a Transfer, nor any Fund, whercon Money could be raised for the Ends propos'd.

Report on
Petition of
*Samuel
Haskell.*

The Committee appointed on the Petition of *Samuel Haskell*, Reported thereon.

Read, and accepted, and *Voted*, That the Prayer of this Petition be so far granted, as that there be allowed to be paid out of the public Treasury to the Petitioner, the Sum of *forty two Shillings and eight Pence*, for one Month's Wages as an Adjutant on the first *Crown-Point* Expedition. Sent up for Concurrence.

Report on
List.

The Committee appointed to prepare a List of the Travel and Attendance of the Members of the House, Reported thereon.

Read, and examined, and allowed; and *Ordered*, That the Clerk of the House certify the same accordingly.

Order on
Petition of
William Foye,
Esq;

The Committee appointed on the Petition of *William Foye, Esq;* late Treasurer of the Province, informed the House, that they had not had Time to examine the Records of the Court relative to the Grants made him, and to consider of the several Articles mentioned in the Petition, and by Leave of the House, laid the same on the Table without Report: Thereupon,

Ordered, That the Consideration of the Petition be referred 'till the next *May* Sessions.

Order on
Petition of
Dorcas Viscount.

The Committee appointed on the Petition of *Dorcas Viscount*, Reported verbally, that they had considered the same, and were of Opinion, it ought to be dismiss'd:—Which Report was accepted; and *Ordered*, That the Petition be dismiss'd accordingly.

Order on
Petition of
*Elizabeth
Clarke, &c.*

The Committee appointed on the Petition of *Elizabeth Clarke*, and on the Petition of *Jonathan Jordan*, as entred the 4th of *March* last (by Leave of the House) laid the same on the Table again without Report, there not being sufficient Vouchers accompanying the same. And

Ordered,

Ordered, That the Consideration of the said Petitions be referred to the next *May* Sessions, for further Evidence.

A Petition of *Samuel Brooks*, Esq; and others, Select-Men of the Town of *Medford*, in the County of *Middlesex*, setting forth, that by Reason of the great Decay of Trade & Business in said Town for some Years past, the Inhabitants being but few, and their Estates small, they apprehend the Sum assessed on them towards the public Taxes, is much more than their just Proportion ; and praying, that the Circumstances of the People may be enquired into, and such Relief afforded them as shall be judged reasonable.

Petition of
Samuel Brooks,
&c.

Read and *Ordered*, That the Consideration of this Petition be referred to the next *May* Sessions.

The Committee appointed on the Petition of *David Bush*, Reported according to Order.

Report on
Petition of
David Bush?

Read, and accepted, and *Voted*, That the Prayer of this Petition be so far granted, as that there be allowed to be paid out of the public Treasury to Mr. *Matthew Noble*, for the Petitioner's Use, the Sum of *five Pounds three Shillings and four Pence*, in full Consideration for Billeting the Men mentioned.

Sent up for Concurrence.

Ordered, That Col. *White*, Mr. *Goldthwait*, and Capt. *Waldo*, be a Committee to consider of some proper Method for Payment of the Taverners Accounts of Billeting the Soldiers raised the last Year for his Majesty's Service, under the Command of his Excellency the Earl of *Loudoun*, on their March towards *Albany*, and Report.

Committee
on Tavern-
ners Ac-
counts.

[Method]

Whereas it appears, that by Reason of an Omission in the making up the Roll of Capt. Enoch Bailey, one Jer. White, a Soldier in said Captain's Company, cannot receive the Sum of thirteen Pounds four Shillings and nine Pence, that is justly due to him for that Service :—And also that by a Mistake in Capt. John Endicott's Muster-Roll, one Richard Tynan, a Soldier in his Company, is also deprived of some Part of his just Due, as appears on the Face of the same Rolls :

Vote on
Petitions of
*Jeremiah
White*, and
*Richard Ty-
nan*.

Voted That the Treasurer be impowered and directed to pay what appears by said Rolls to be respectively due to the said *White* and *Tynan*, the aforesaid Omission and Mistake notwithstanding.

Sent up for Concurrence.

John Hill, Esq; brought down the Report of the Committee appointed on his Excellency's Message of Yesterday to both Houses.

Report on
Governour's
Message
bro't down.

Signed *John Osborne*, per Order.

In Council *April* 29th 1758. Read and sent down.

The said Report is as follows, *viz.*

That there be forthwith provided a suitable Chest of Medicines for each Regiment going in the Expedition against *Canada*, not exceeding *Sixty Pounds* Value, Lawful Money : And that each Chirurgeon give Directions what Kind of Medicines shall be put up in his own Chest.

Read and *Ordered*, That this Report be accepted, with the Amendment at A.

Sent up for Concurrence.

A a a a a a

On

Committee
to wait on his
Excellency.

On a Motion made and seconded, *Ordered*, That Col. *Quincy*, Mr. *Bacon*, Col. *Cheney*, Mr. *Stone*, and Capt. *Johnson*, be a Committee to wait upon his Excellency the Captain-General, to desire he would be pleased to suspend Col. *Thomas Gilbert*, from acting in his Military Capacity for the present, the House apprehending there may be Danger of some Inconvenience arising to particular Persons, in Case he be allowed to act in impressing Men for the Expedition now engaged in.

Who returned, that they had waited on his Excellency, and delivered the Message : And that his Excellency was pleased to say, that as the House had formed their Judgment on the Evidence offered on the Hearing had before them, he should be glad to have the same Evidence laid before him, in order to Regulate his own Conduct.

His Excellency desired.

On a Motion made and seconded, *Voted*, That his Excellency the Governour, with the Advice of the Council, be desired to appoint a Courier to pass between the Army that shall be employed in the Expedition against *Canada*, and *Boston*, to be paid at the public Charge ; the said Courier to be obliged to provide himself with Horses for that Service.

Sent up for Concurrence.

Message to
his Excellency, bro't
down.

Samuel Watts, Esq; brought down the Draught of a Message to his Excellency the Governour, as prepared by the Committee of both Houses appointed to take under Consideration his Excellency's Message of the 18th Instant.

Signed *James Bowdoin*, per Order.

The said Message is as follows, *viz.*

May it please your Excellency,

THE Consideration of your Excellency's Message to both Houses on the 18th Current, accompanied with a Copy of a Vote of the General Assembly of the Colony of *Connecticut*, a Letter from the Governour of that Colony, and your Excellency's Answer to the same, has hitherto been postponed, in Expectation of Intelligence of the Resolutions of that respectable Colony, posterior to their Governor's receiving your Excellency's Answer, and his being thereby informed, that it was impossible for Commissioners on the Part of this Government, to be appointed, and to meet at the Time and Place proposed for the Conferences.

But having received no Information on this Subject, both Houses now apprehend, the General Assembly of *Connecticut* have, for the present, drop'd their Design of a Conference.

We beg Leave to assure your Excellency, that we shall with Pleasure embrace every Opportunity to give Proof of our Esteem of that Colony ; and to create and preserve a Correspondence of Measures with all the Provinces and Colonies, & particularly, with that of *Connecticut*, in whose Wisdom and Vigour we have great Confidence, and whose Preservation and Welfare we consider as intimately connected with our own.

The

The State of public Affairs is altered since the Meeting of the Commissioners in *Boston* : And how greatly it may be changed in the Progress & Conclusion of this most important Campaign, GOD only knows.

In all Events, these Colonies ought to be strictly united in their Measures, and their Co-operations with the Commander in Chief of his Majesty's Forces in *America* : And whenever Conferences shall be necessary for these Ends, both Houses, on their Part, will Readily nominate Commissioners for that Purpose.

Pass'd in Council, *viz.* In Council *April 29th 1758.*

Read, and accepted, and *Ordered*, That Sir *William Pepperrell*, with such as the honourable House shall appoint, be a Committee to wait on his Excellency the Governour, with the foregoing Message. Sent down for Concurrence.

Read and concur'd ; and Col. *Williams*, and Col. *White*, are joined in the Affair.

James Bowdoin, Esq; brought down the Paper, signed *Robert Hewes*, with the following Vote of Council thereon, *viz.*

In Council *April 29th 1758.*

Vote of
Council
bro't down.

Read and *Ordered*, That the Consideration of the Paper signed by *Robert Hewes*, be referred to the next *May* Sessions.

Sent down for Concurrence. Read and concur'd.

Joseph Pyncheon, Esq; brought down the further Report of the Committee of both Houses, appointed on his Excellency's Messages of the 22d and 28th Instant. Signed *John Osborne*, per Order.

Vote on
Governor's
Messages
bro't down.

In Council *April 29th 1758.* Read and sent down.

The said Report is as follows, *viz.*

That suitable Vessels be provided to transport the Troops going in the Expedition against *Canada*, from the Counties of *York*, *Barnstable* and *Duke's-County* : And that suitable Carriages be provided to carry the Baggage of those Troops going by Land.

Read and *Ordered*, That this Report be accepted.

Sent up for Concurrence.

The Committee to whom was Re-committed their Report on the Petition of the Commissaries employed in the last *Crown-Point* Expedition, by Leave of the House laid the same on the Table again, without further Report, not having had Opportunity to attend that Service :— And thereupon,

Order on
Commissa-
ries Account's

Ordered, That the said Petition and Report, be referred to the next *May* Sessions for Consideration.

The Committee appointed to receive and examine the Returns of the Members of the House, relative to the Circumstances of the French Neutrals (so called) in their respective Towns, acquainted the House, that the Returns being very incompleat, they had not been able to determine any thing in the Affair :— And thereupon,

Order relat-
ing to French
Neutrals.

Ordered, That the Consideration of the said Returns be referred 'till the next *May* Sessions.

Joseph

Petition of
Caleb Dana,
bro't down.

Joseph Pyncheon, Esq; brought down a Petition of *Caleb Dana*, Administrator of the Estate of *James Lockhart*, late of *Cambridge*, deceased, praying Liberty to make Sale of the Real Estate of the said *James*, consisting of some small Parcels of Land lying in *Pelham*, and elsewhere, in order to his discharging the just Debts due from him, as far as the Proceeds thereof will extend, he having represented the Estate Insolvent, and the Superior Court not being to be held in the County 'till *August* next, which will much Retard his settling with the several Creditors, unless relieved by this Court.

Pas'd in Council, viz. In Council *April* 26th 1758.

Order
thereon.

Read and Ordered, That the Prayer of this Petition be so far granted, as, that the Petitioner (in his said Capacity) be, and he is hereby, impowered to make Sale of the within-named Deceased's Real Estate to the best Advantage that may be, and to make and execute a good and sufficient Deed or Deeds of Conveyance of the same; he giving previous Notice of such intended Sale, in Time and Manner as the Law respecting the Sale of Real Estates by Executors and Administrators doth direct; and giving due Caution to the Judge of Probate for the County of *Middlesex*, that the Proceeds of such Sale be applied (so far as is necessary) for discharging the said Deceased's just Debts; and that he shall Account for the Remainder (if such there be) and for the whole of his Proceedings in the Premises, when thereto lawfully required. Sent down for Concurrence.

Read and concur'd.

Resolve on
Petitions of
sick and
wounded
Soldiers.

The Committee appointed on Petitions from sick & wounded Soldiers, Reported on the Petitions of *Joseph Norcross*, and *Benjamin Felton*.

Read, and accepted, and Resolved, That there be allowed and paid out of the public Treasury to *Elisba Jones*, Esq; for the Use of *Joseph Norcross*, thirty seven Shillings and four Pence; and to *Mr. Josiah Pierce*, for the Use of *Benjamin Felton*, thirty five Shillings and five Pence, in Consideration of the Expences in their Petitions mentioned. Sent up for Concurrence.

Message
from the
Board.

Thomas Hutchinson, Esq; came down with a Message from the honourable Board, to propose some Amendments on the Engross'd Bill Intituled, *An Act for supplying the Treasury with a Sum of Money by Lottery*:—Which being taken into Consideration by the House, were agreed to; And

Ordered, That *Mr. Flucker* go up to the honourable Board, and acquaint them, that the House agree to the proposed Amendments.

Petition of
Jos. Lynde,
referred.

On a Motion made and seconded, the Report of the Committee appointed on the Petition of *Joseph Lynde*, and others, Select-Men of the Town of *Malden*, as mentioned the 4th of *March* last, was read again; And

Ordered, That the Consideration of the Petition, and the said Report, be referred to the next *May* Sessions.

The

The Committee appointed on the Petition of *Amos Allen*,
Reported thereon. Report on
Petition of
Amos Allen.

Read, and accepted, and *Ordered*, That there be allowed to be paid out of the public Treasury to Major *Williams*, for the Petitioner's Use, the Sum of *five Pounds ten Shillings and four Pence*, in Consideration of the Services and Expences mentioned.
Sent up for Concurrence.

The said Committee also Reported on the Petition of *Benjamin Nurse*. Report on
Petition of
Benjamin Nurse.

Read, and accepted, and *Resolved*, That there be allowed and paid out of the public Treasury to Mr. *Paine*, for the Petitioner's Use, the Sum of *six Pounds sixteen Shillings*, in Consideration of his Sufferings mentioned.
Sent up for Concurrence.

The Committee appointed to consider of some proper Method for Payment of the Taverners Accounts of Billeting the Soldiers raised the last Year, on their March towards *Albany*, Reported according to Order. Report on
Taverners
Accounts.

Read, and accepted ; and *Whereas Certificates were given by the Officers of the Forces raised for the last Year's Campaign, to such Taverners and others as supplied the Soldiers on their March towards Albany, of what the said Soldiers received for their Billeting :*

Voted, That on the said Certificates being presented to the Treasurer, he be, and hereby is, directed to pay the same ; and that those Officers that received Monies of the Treasurer for that Purpose, account for the same.

Sent up for Concurrence.

On a Motion made and seconded, *Ordered*, That the Consideration of the Petition of *John Mascarene, Esq;* as entred the 10th of *December* last, be referred to the next *May* Sessions. Order on
Petition of
John Mascarene Esq;

Ordered, That Mr. *Gridley* go up with a Message to the honourable Board, to acquaint them, that the House have Nothing of a public Nature lying before them, and if the honourable Board have, to desire they would give Dispatch thereto, that the Court may Rise this Forenoon, if his Excellency pleases. Message to
the Board.

Who returned, that he had delivered the Message.

Mr. Secretary *Oliver* came down with the following Message from his Excellency the Governour, *viz.* Message
from his
Excellency.

Mr. Speaker, His Excellency is now in the Chair, and directs the Attendance of this honourable House in the Council Chamber :

Mr. Speaker, with the House, went up accordingly : When His Excellency was pleased to give his Consent to the following Engross'd Bills, *viz.*

An Act for supplying the Treasury with a Sum of Money by Lottery.

An Act in Addition to an Act made and passed this present Year, Intituled An Act for the speedy Levying of Soldiers for an intended Expedition.

An Act in Addition to an Act Intituled An Act for preventing the unnecessary Destruction of Alcwives and other Fish within this Province.

An Act for the more easy and equitable Division of the Estates of James Townsend, deceased, and Elizabeth Chauncy, deceased, yet remaining undivided among the Interested.

An Act for preventing Loss or Damage by Means of a Non-observance of a late Act of this Province, Intituled An Act for granting to his Majesty several Duties upon Vellum, Parchment and Paper, for two Years, towards defreying the Charges of this Government.

Dissolution
of the Court.

And then Mr. Secretary declared, That it was His Excellency's Direction, That this Great and General Court or Assembly be Dissolved. And that the said Court was Dissolved accordingly, and the Members discharged from any further Attendance.



Index

Index

- Abatement, Boston taxes, 439.
 Abercrombie, Maj. Gen. James, 347, 358; quar-
 tering troops, 385.
 Absence, House members, 314.
 Accident, sawmill, 425.
 Accounting, soldiers' enlistment bounty, 375.
 Accounts, military, 272, 276, 301; commissaries,
 283; commissioners, 298; Fort William Hen-
 ry, 300; Indian guardians, 363, 382, 401,
 409-410; ex-Treasurer, 399; taverners, 445,
 449.
 Act, militia suspension, 376.
 Adams, Ephraim, 393.
 Adams, Mercy, allowance, 329.
 Adams, Samuel, petition, 327.
 Adams, Stephen, 393, 427.
 Adjournment, county courts, 328, 419, 421, 435-
 436; General Court, 391; Superior Court,
 398, 399.
 Agent, Province. *See* William Bollan.
 Agents, Horse Neck, petition, 313.
 Aken, Benjamin, 387; committee, 260, 343,
 397, 411.
 Albany, 367-368; hospital, 370; stores, 438;
 soldiers to, 441.
 Alewives, bill, 403, 406, 419, 427, 428, 450.
 Allen, Amos, petition, 411; allowance, 449.
 Allen, Job, smallpox, 374.
 Allen, Thomas, petition, 374.
 Allen, Thomas, Jr., petition, 387.
 Allowances, soldiers, 242-243, 251-252, 257,
 294, 303-304, 314, 328-329, 357, 368, 384-
 385; Committee of War, 1756, 268; civil of-
 ficers, 269, 273-275; billeting, 325, 378; ex-
 cise committee, 443.
 Alvord, Gideon, petition, 401.
 Ammunition, West Hoosuck, 359-360, 369; sol-
 diers, 360, 369-370.
 Anabaptists, tax exemption, 247, 269, 271, 308.
 Animals, nuisance bill, 250.
 Annexation, Newbury petition, 315.
 Anniversary sermon, preacher, 275, 277.
 Appleton, Deacon Joseph, 405.
 Apprentices, relief bill, 322.
 Appropriations, treasurer's statement, 312, 313;
 transfers, 334-335; stores, 428.
 Apthorp, Charles, memorial, 266, 268, 383-384,
 420; petition, 404, 439, 440.
 Arbuthnot, Capt. William, 396; petition, 283,
 443-444.
 Armorer, Crown Point, 438.
 Army, courier, 446.
 Artillery, accounts, 272; train, 301, 302, 304;
 expense, 403, 418.
 Assessors, Sherbourn (Nantucket), 401.
 Atkins, Henry, Jr., petition, 402.
 Atkinson, Sec. Theodore (N. H.), letter, 281.
 Attendance, House of Representatives, 288, 298,
 430, 444.
 Attorney General. *See* Edmund Trowbridge.
 Austin, Nathanael, petition, 421; allowance,
 431.
 Bacon, Edward, 414, 419; committee, 256, 262,
 271, 276, 284, 324, 327, 342, 352, 382, 387,
 437, 446; petition, 342; report, 421.
 Bacon, Simeon, allowance, 243.
 Baggage, soldiers, 447.
 Bailey, Edmund, allowance, 251.
 Bailey, Capt. Enoch, 445.
 Bailey, Joshua, petition, 315.
 Bailey, Nathanael, petition, 322.
 Bailey, Richard, 294, 304, 368, 408, 418; com-
 mittee, 315.
 Baker, petition, 302-303.
 Baker, Joseph, allowance, 243.
 Baker, Richard, 295.
 Baker, Samuel, estate, 268.
 Baker, Doorkeeper William, 295; allowance,
 275; petition, 438; memorial, 443.
 Bane, James, memorial, 342.
 Barker, Daniel, allowance, 385.
 Barker, John, petition, 417, 420.
 Barker, Joseph, petition, 414, 416, 426-427.
 Barnard, Jonathan, petition, 253; allowance,
 261.
 Barns, Richard, allowance, 408.
 Barnstable, selectmen's petition, 245, 261; sick
 soldiers, 441.
 Barnstable County, excise, 262, collector, 354;
 court adjournments, 398, 399, 419, 421; sol-
 diers' transportation, 441, 447.
 Barret, Capt. James, 251-252, 423; committee,
 338, 437.
 Barrow, Moses, allowance, 423.
 Barrow, Seth, allowance, 423.
 Bartlet, John, petition, 423.
 Barton, Caleb, allowance, 329.
 Bathrick, John, allowance, 285.
 Batten, Abigail, 394.
 Beacham, John, petition, 266.
 Beal, Capt. Josiah, ransom reimbursement, 429.
 Beaman, Josiah, allowance, 243.
 Belknap, Joseph, allowance, 242.
 Bellingham, French neutrals, 346.
 Bement, John, allowance, 243.
 Berkley, agents' petition, 348.
 Berry, Zebediah, smallpox, 420.
 Bill, Anabaptist relief, 247; Quaker relief, 247;
 militia, 248, 249, 252, 254, 258, 268, 273,
 277, 280, 281, 282, 308, 368, 380, 382, 390;
 district, 249, 252, 253, 257, 264, 277, 289,

- 308; animal nuisance, 250; bridge lottery, 252, 257, 266; jails, 263, 269, 271, 276; poor relief, 263, 272, 281, 287; tax exemption, 271, 308; Rainsford's Island hospital, 271, 273, 281, 308; excise, 284, 292, 297, 308, 313, 314, 317, 347, 362, 371, 375, 390; regulation, 294; bankruptcy exemption, 302; apprentice relief, 322; ministerial support, 329, 343; shipping embargo, 337, 338, 341, 343, 390, impost, 346, 355, 361, 363, 390; treasury supply, 355, 357, 361, 362, 363, 364, 367, 369, 390, 424, 428, 438, 441, 443, 444, 448, 449; liquor excise, 361; laws, 369, 373, 377, 379, 380, 390; stamp act, 369, 412, 419, 421, 450; Little Harbour (Hingham), 371, 373, 382, 391; military debt exemption, 385, 389, 391; bribery and corruption, 389, 390, 391; quartering, 389; estate division, 396, 399, 419, 450; fishing, 398, 403, 406, 419, 427, 428, 450; probate courts, 426; soldier levy, 428, 433, 449; Nantucket proprietors, 442.
- Billeting, soldiers, 255, 291, 298, 299, 323, 325, 337, 352, 353, 358, 374, 376, 427, 434, 442, 445, 449; appropriation, 334-335; costs, 433.
- Billing, Fellows, 242, 368, 408; committee, 340; pay increment, 374.
- Billings, Joseph, Punkapaug Indian guardian, 410.
- Billingsgate Bay, animal nuisance bill, 250.
- Bills, manufactory, 359, 379, 381, 382, 391.
- Bills of credit, exchange, 387.
- Bishop, Daniel, petition, 396; allowance, 438.
- Blackman, Mary, allowance, 243.
- Blankets, soldiers, 365, 428.
- Blockhouse, West Hoosuck, 264.
- Blood, Simon, petition, 287.
- Board, prisoners, 281.
- Boats, Southern French neutrals, 430.
- Bobbitt, Capt. Benaiah, 433.
- Bollan, Agent William, retained, 292; return ordered, 292; allowance, 294-295; instructions, 305, 306-307, 386; letter, 311, 363; continuation, 375, 380.
- Bolton, John, petition, 268, 440.
- Bonds, recruiting, 378, 381.
- Bordman, Andrew, committee, 291.
- Bordman, Joshua, petition, 251, 260; allowance, 290-291.
- Borrowing, treasury, 362, 367, 374, 442.
- Boston, taverns, 245, 298, 302, 401, 439; schools, 266; merchants' petition, 404; taxes, 420, 439.
- Bounty, Indian scalps, 269, 292, 293-294, 344; soldiers, 305, 323, 334, 348, 350, 355, 356, 357-358, 358, 361, 362, 375, 381, 408.
- Bourn, Sylvanus, 341, 419; committee, 374.
- Boutwell, Ebenezer, allowance, 408.
- Bowdoin, James, 264, 290, 298, 304, 306, 325, 342, 349, 354, 365, 375, 419, 443, 447; committee, 256, 298, 363, 381.
- Bowers, Joshua, property, 383.
- Bowers, Sarah, petition, 383.
- Bowers, William, allowance, 357.
- Boxford, French neutrals, 254; selectmen's petition, 254.
- Bradbury, Capt. Jabez, conduct, 246, 247.
- Bradbury, John, committee, 262, 341, 366, 376, 405, 412, 422.
- Bradford, Gamaliel, 272, 283, 318, 327, 371, 372, 374, 431, 435.
- Bradford, Capt. Joel, 417.
- Braintree, complaint, 265; French neutrals, 277.
- Brattle, William, 257, 268, 271, 280, 282, 288, 290, 305, 306, 368, 442; committee, 244, 281-282, 298, 342, 381, 386; defense commissioner, 290.
- Bread, soldiers, 302-303.
- Bret, Nathanael, 344.
- Brewster, John, committee, 262.
- Bribery, and corruption, 388, 389, 390, 391.
- Bridge, Pesumpscoot River, 248; Saco River, 248; lottery bill, 249, 252, 257, 266.
- Briggs, Matthew, Jr., allowance, 243.
- Bristol County, excise, 262, collector, 354; courts adjourned, 328; weapons return, 348.
- British troops, Mass. quartering, 385.
- Broad Bay, establishment, 432.
- Brook, John, petition, 423.
- Brookfield, French neutrals, 439.
- Brooks, Elizabeth, petition, 321.
- Brooks, Samuel, petition, 445.
- Brooks, William, petition, 295-296.
- Brown, Capt. John, 324, 329, 362, 423; committee, 250, 260, 261, 271, 272, 279, 286, 303, 315, 323, 324, 337, 340, 354, 397, 400, 404, 405, 411, 424; motion, 439.
- Brown, Samuel, petition, 417.
- Brown, Samuel, Jr., petition, 283.
- Brown, William, allowance, 385.
- Brunswick, annexation, 264; establishment, 431.
- Buckminster, Col. Joseph, 340, 408, 423; committee, 252, 264, 265, 267, 268, 270, 283, 284, 289, 301, 321, 354, 370, 412.
- Bull, John P., petition, 424; allowance, 438.
- Bunker, John, Nantucket County liquor excise collector, 355.
- Burbank, Timothy, petition, 301, 361; allowance, 337, 373.
- Burglary, 344.
- Burk, Capt. John, petition, 366, 375, 380.
- Burk's Garrison, establishment, 286, 432.
- Burnall, John, petition, 369.
- Burnam, John, insane, 393.
- Burnam, Margaret, petition, 393.
- Burnup, Capt. Daniel, allowance, 340.
- Burr, Joshua, petition, 251.
- Burt, Josiah, allowance, 294.
- Burton's Garrison, establishment, 432.
- Bush, David, petition, 429; allowance, 445.
- Buswell, Jonathan, allowance, 329.
- Butler, Lt. John, deserter, 352.

- Campbell, Duncan, petition, 270, 288; allowance, 363-364.
- Canada, captives, 242; expedition, 334, 341, 349, 355, 361, 362, 365, 375, 378, 382, 384, 389, 391, 406, 408, 412, 414, 415, 417, 418, 424, 428, 429, 436, 438, 440, 441, 442, 443, 445, 447, Mass. support, 335, enlistment bounty, 348, 357-358, table of organization, 383, 385-386, 387-388, 389.
- Cape Cod, soldiers from, 441.
- Captain, Castle William. *See* John Larrabee.
- Captain, Crown Point expedition, 422.
- Captives, Canada, 242; redeemed, 266-267, 289; family relief, 426.
- Cargill, Capt. James, memorial, 246, 291, 344; accusation, 247; petition, 269, 283, 292, 355; allowance, 293-294.
- Carlton, James, petition, 260, 281; allowance, 408.
- Carpenter, Peter, allowance, 251.
- Carver, Capt. Jonathan, petition, 352.
- Cary, Stephen, petition, 243.
- Castle William, weapons, 379, 386; captain. *See* John Larrabee; chaplain. *See* John Phillips.
- Censorship, gubernatorial, newspapers, 383.
- Census, French neutrals, 263.
- Chadbourn, Benjamin, committee, 260, 262, 267, 417.
- Chandler, Col. ———, letter, 332.
- Chandler, Gardner, Worcester County liquor excise collector, 354.
- Chandler, John, 267, 273; ordered, 245.
- Chandler, John, Jr., petition, 326, 330-331.
- Chaplains, pay, 419; Castle William. *See* John Phillips; Council. *See* Jeremy Condry; House of Representatives. *See* Ebenezer Pemberton.
- Charlemont, establishment, 286.
- Charles River, fishing, 377.
- Charlestown, petition, 345; French neutral boats, 430.
- Chauncy (Chancy), Rev. Charles (1668-1714), estate, 394.
- Chauncy (Chancy), Elizabeth, estate, 394, division, 396, 399, 419, 450.
- Cheever, Ezekiel, allowance, 285; committee, 430.
- Cheney, Col. Thomas, 294; committee, 269, 292, 373, 374, 446.
- Chief Justice, Superior Court of Judicature. *See* Stephen Sewall.
- Children, county support, 269; education, 338; care, 355.
- Chinaware, excise, 262-263, 375, 379, 443; delinquent farmers, 426.
- Chirurgeon. *See* Surgeon.
- Choate, Col. John, 288, 357, 433; committee, 249, 256, 258, 259, 262, 264, 265, 267, 268, 284, 291, 309, 318, 322, 323, 324-325, 332, 341, 348, 358, 372, 386, 393, 398, 409, 443; excused, 268; defense commissioner, 290.
- Civil officers, allowances, 269, 273-275.
- Clapham, John, petition, 435.
- Clark, Daniel, York County liquor excise collector, 355.
- Clark, Elizabeth, petition, 314-315.
- Clark, John, court verdict, 270.
- Clark, Joseph, deceased, 314-315.
- Clarke, Elizabeth, petition, 444-445.
- Clarke, Samuel, petition, 270.
- Clarke, Dep. Sec. Thomas, 398; allowance, 292.
- Clement, Timothy, allowance, 385.
- Clemons, Philip, allowance, 423.
- Clerk, House of Representatives. *See* Henry Gibbs.
- Clermont, Paul, petition, 270, 365; complaint, 415, 435.
- Clesson, Abigail, memorial, 373.
- Clesson, Matthew, deceased, 373.
- Clothing, petition, 270.
- Cobb, Edward, allowance, 385.
- Coffee, excise, 262-263, 375, 379, 443; delinquent farmers, 426.
- Coffin, Richard, petition, 442.
- Cogswell, Jonathan, estate, 317.
- Cold Spring, inhabitants' meeting, 405.
- Cole, Samuel, burglary, 344; petition, 375, 385.
- Colerain, establishment, 286, 432; war danger, 366.
- Collector, excise, 279-280, 357; liquor excise, 298, 319, 354, 355, 356, 357; Lexington taxes, 435.
- Collins, Nathaniel, allowance, 242.
- Collins, Capt. William, 294; committee, 254, 284, 328, 400.
- Colonels, allowance, 440.
- Colville, Lord Alexander, letter, 245.
- Comerford, Henry, petition, 356-357.
- Commanding officer, western frontiers, 301.
- Commissaries, Crown Point expedition, 283, 397-398, 422, 447; reports, 423-424.
- Commissary General. *See* John Wheelwright.
- Commissioners, N. E. defense, 281-282, 284, 288, 289, 289-290, 291, 305, 312; accounts, 298.
- Commissions, military, Gov. Pownall on, 378.
- Committee of War, 1756, allowance, 268.
- Common Pleas Court, adjourned, 328.
- Concord River, fishing, 398.
- Condry, Rev. Jeremy, allowance, 274.
- Conferences, intercolonial, 446-447.
- Connecticut, conference, 395, 446-447.
- Contagious persons, 267; bill, 269.
- Contractors, victuals, 441.
- Control, fishing, 377.
- Cooley, Abner, allowance, 243.
- Cooley, Nathaniel, allowance, 242.
- Coollidge, Capt. Peter, 367, 423.
- Corey, Benjamin, deceased, 331.
- Corey, Eunice Rebecca, minor, 331.
- Corney, Elisha, deceased, 394.
- Corney, Joseph, petition, 394.

- Cornish, Hannaniah, commission, 433.
 Correction, houses of, bill, 263, 269, 271, 276.
 Costs, artillery train, 304; billeting, 433.
 Cotton, Roland, directed, 430.
 Council, messages, to Gov. Pownall, 255-256, 347, 409, 446-447, from, 303, 378, 385, 395-396, 406, 415, 428, 437-438, to House, 264, 267, 271, 273, 280, 282, 288, 290, 292, 304, 306, 341, 351, 354, 355, 357-358, 368, 414, 442, 443, 448, from, 264, 267, 271, 280, 282, 288, 289, 290, 291, 292, 306, 308, 324, 332, 341, 351, 354, 355, 357, 358, 366, 368, 374, 378, 382, 401, 403, 414, 421, 442, 443, 449; prorogued, 308; speech by Gov. Pownall, 310, 311; exhortation from Gov. Pownall, 391; adjourned, 391; dissolved, 450; chaplain. *See* Jeremy Condry.
 Courier, army, 446.
 Court of General Sessions of the Peace, Plymouth County, 313-314, 435-436; Bristol County, 328; Middlesex County, 328; Barnstable County, 421.
 Courts, probate, bill, 426.
 Crofoot, Daniel, allowance, 242-243.
 Crosby, Samson, allowance, 408.
 Crosman, David, allowance, 423.
 Crown Point, expedition, 241, 268, 283, 397-398; appropriation, 334; captain, 422; commissaries, 422, 447; impressment fines, 428; armorer, 438.
 Cunningham, Thomas, allowance, 340.
 Cushing, Caleb, 423; committee, 272, 327, 334, 360, 373; allowance, 327-328.
 Cushing, Ezekiel, petition, 248.
 Cushing, Jacob, committee, 251.
 Cushing, John, 327; committee, 365; absent, 415.
 Cushing, Joseph, committee, 342, 365, 394, 404; allowance, 423.
 Cushnoc storehouse, establishment, 246, 254, 285, 295-296, 431; soldiers' bounty, 305.
 Cutt, Richard, 270, 280, 319, 327, 341, 347, 356, 358, 371, 377, 379.
 Dagget, James, petition, 376.
 Dalton, Capt. Michael, 251, 338, 418, 423; committee, 258, 260, 277, 289, 390, 424; ordered, 280.
 Dana, Caleb, petition, 448.
 Danforth, John, allowance, 243.
 Danforth, Samuel, 292, 307, 351, 409, 414; memorial, 329, 359.
 Danger, Indian, 417.
 Darby, Richard, judgment, 358.
 Darling, John, Jr., allowance, 243.
 Davenport, William, petition, 343; allowance, 360.
 Davidson, Nathanael, allowance, 297.
 Davis, Daniel, petition, 245, 261; Barnstable County liquor excise collector, 354.
 Davis, Rev. Joseph, tax support, 351.
 Davis, Mary, currency exchange, 327-328.
 Davis, Micah, petition, 344.
 Davis, Trustum, allowance, 242.
 Davison, John, allowance, 294.
 Day, Benjamin, surveyor, 283.
 Day, Ebenezer, allowance, 243.
 Dead Indian, value, 293-294.
 Deaths, smallpox, 282.
 Deblois, Gilbert, petition, 259, 306, 346.
 Debts, real estate, 272; military exemption, 382, 384, 385, 389, 391.
 Deckers, Joseph, petition, 259, 282.
 Decoster, Temple, overcharges, 295.
 Deeds, land, 366.
 Defense, Pontoosuck Indian, 253; N. E. commissioners, 281-282, 284, 288, 289, 289-290, 291, 305, 312; frontiers, 283, 284, 285-286, 297-298, 310-311, 384, 417, 426-427; Pequoaog petition, 400.
 Delay, muster rolls, 375.
 Delinquent, excise farmers, 426.
 Demons, Solomon, petition, 253, 264.
 Deputies, excise collectors, 356, 357.
 Deputy Secretary. *See* Thomas Clarke.
 Derumple, Capt. ———, directed, 398.
 Deserter, soldier, 352.
 Dewey, Stephen, allowance, 242.
 Dexter, Philip, ferry, 430.
 Dickinson, Benoni, petition, 413-414.
 Diseases, contagious, 267, 269.
 District, bill, 249, 252, 253, 257, 264, 277, 289, 308, 323-324.
 Division, estate bill, 396, 399, 419, 450.
 Doane, Jonathan, 304, 368; committee, 342.
 Doctor, wages, 295.
 Doorkeeper, House of Representatives. *See* William Baker.
 Draper, Timothy, allowance, 385.
 Dual officeholding, 313-314, 328.
 Dudley, 278.
 Dudley, Anne, minor, 278.
 Dudley, Thomas, petition, 278, 293, 434.
 Dudley, William, land, 278, 434.
 Dugas, Joseph, petition, 283, 287-288.
 Dukes County, excise, 262, collector, 355; weapons return, 348; Superior Court adjournment, 399; soldier transportation, 447.
 Dunnel, Nathanael, 429.
 Dunstable, annexation petition, 327.
 Duration, military service, 382.
 Duxbury, sick soldiers, 414.
 Dwight, Nathanael, petition, 405.
 Eastabrooks, Robert, petition, 371.
 Eastern frontiers, establishment, 285; proprietors, 383-384; state of, 419.
 Eastham, animal nuisance bill, 250.
 Easton, French neutrals, 435.
 Eaton, Benjamin, deceased, 322.

- Eaton, James, minor, 322.
 Eaton, Seth, minor, 322.
 Eaton, William, petition, 285, 302, 349.
 Eddy, Ebenezer, petition, 356.
 Edgartown, weapons return, 346.
 Education, children, 338.
 Eells, Hannah, petition, 242.
 Ellinwood, Rebecca, petition, 422, 429-430.
 Ellinwood, Thomas, petition, 422, 429-430.
 Embargo, shipping bill, 337, 338, 341, 343, 390.
 Emery, James, allowance, 252.
 Endicott, Capt. John, 445.
 Enlistment, town tax, 323; bounty, 334, 348, 355, 357-358; soldiers, 374, 375, 384, 406, 428, 440-441.
 Epes, Capt. Daniel, Jr., 294; committee, 271, 284, 374; Essex County liquor excise collector, 354; ordered, 382; withdraws from House, 394.
 Equipment, soldiers, 344, 415, 417, 419.
 Erving, Capt. ———, weapons, 379.
 Erving, John, 281, 306, 381.
 Essex County, excise, 262, 443, collector, 354; weapons return, 348.
 Establishment, 259-260; provisions, 257, 260; frontiers, 285-286, 303, 305-306, 306, 307, 308, 366, 369, 405, 431-433, 443; Cushnoc storehouse, 295-296; Fort Halifax, 296, 297, 299, 300, 301; Fort William Henry, 299-300, 332-333, 411, 442; militia, 306, 324, 366, 368, 403, 414, 415; *King George*, 311, 323, 325, 332, 338-339; soldiers, 350.
 Estate, indebtedness, 268; deceased soldier, 312; division bill, 396, 399, 419, 450.
 Evans, Daniel, allowance, 423.
 Exchange, money, 327-328, 366-367, 387.
 Excise, liquor, 246, 259, 275, 279, 284, 298, 319, 351, 354, 355, 356, 357, 361, 418, 426; tea, coffee, and chinaware, 262-263, 375, 426, 443; farmers, 279; collectors, 279-280; limes, 279, 284; lemons, 279, 284; oranges, 279, 284; wine, 279, 284; bill, 284, 292, 297, 308, 313, 314, 317, 347, 362, 371, 375, 390; committee allowance, 319, 443; York County, 379, 394-395.
 Exemption, religious taxes, 271; bankruptcy bill, 302; military service, 372, 376; debts, 385, 389, 391; Road Town taxes, 388; impressment, 409.
 Expedition, Canada, 341, 348, 349, 355, 357-358, 361, 362, 365, 375, 378, 382, 383, 384, 385-386, 387-388, 389, 391, 406, 408, 412, 414, 415, 417, 418, 424, 428, 429, 436, 438, 440, 441, 442, 443, 445, 447.
 Expenses, soldiers, 331, 373; artillery, 403, 418.
 Extension, muster rolls, 380.
 Fall Town, establishment, 286; Indian danger, 366.
 Falmouth, tavern, 241; ferry, 241, 430; selectmen's petition, 269, 355.
 Families, soldiers, support, 349, 412, 426.
 Farmers, of excise, 279, 394-395, 426.
 Farnsworth, Ebenezer, property transfer, 383.
 Farrar, John, petition, 268, 440.
 Fayerweather, John, action, 349; answer, 365.
 Fearn, John, allowance, 294.
 Febro, Peter, fraud, 413; prosecution, 431.
 Felton, Benjamin, allowance, 448.
 Fenno, Benjamin, petition, 345.
 Ferry, Elisha, allowance, 423.
 Ferry, Falmouth, 241; Four River, 241; petition, 430.
 Fines, impressment, 428, 440-441.
 Fishery, province, 311.
 Fishing, control, 377; bill, 398, 403, 406, 419, 427, 428, 450.
 Fisk, Asa, petition, 346.
 Fitch, Capt. Jonas, memorial, 259.
 Fitch, Gov. Thomas (Conn.), letter, 264; meeting, 395.
 Flag of truce, Louisbourg expense, 323.
 Fletcher, Thomas, Suffolk County liquor excise collector, 354.
 Flood, Andrew, allowance, 243.
 Flucker, Thomas, 282, 308, 341, 351, 361; ordered, 245, 403, 448; committee, 258, 259, 262, 267, 271, 272, 290, 298, 307, 312, 313, 321, 325, 332, 346, 347, 348, 363, 375, 379, 386, 399, 408, 418, 422, 430; report, 387; lottery manager, 444.
 Folger, Abishai, committee, 263; absent, 266.
 Foot, Enoch, allowance, 294.
 Forbush, Margaret, allowance, 288.
 Forrest, George, allowance, 304, 368.
 Fort Brunswick, establishment, 285.
 Fort Frederick, establishment, 285, 431.
 Fort Halifax, establishment, 246, 253, 285, 296, 297, 299, 300, 301, 431; soldiers' bounty, 305.
 Fort Massachusetts, 264, 286; establishment, 285-286, 432; warning, 372.
 Fort St. George's, 266.
 Fort William Henry, 259-260, 271, 306, 366; relief, 267, 332-333, 368; surrender, 286, 370, 375; establishment, 299-300, 324, 411, 442; imperfect accounts, 300; soldier care, 422.
 Forts and garrisons, appropriation, 335.
 Foster, Thomas, 259, 264, 291, 423; committee, 246, 249, 262, 266, 275, 277, 278, 279, 298, 299, 323, 325, 327, 356, 363, 370, 372, 375, 376, 385, 396, 397, 404, 414, 415; ordered, 267; petition, 327, 342; weapons return, 348.
 Four River, ferry, 241.
 Fowle, Col. Jacob, committee, 323, 327, 355.
 Foxcroft, Francis, 300.
 Foye, John, 367.

- Foye, Treas. William, petition, 295, 444; accounts, 399.
- Frankfort, establishment, 432.
- Frauds, 371; Col. T. Gilbert, 380-381, 383; soldiers, 413, 433, 434; committee ordered, 430.
- Freeman, Enoch, 241; memorial, 254-255, 260, 278; petition, 257; complaint of, 263; directed, 368; snowshoe transfer, 390.
- French enemy, proximity, 310.
- French, Joshua, allowance, 357.
- French neutrals, Nova Scotia, support, 248, 283, 287-288, 300, 322, 345, 358-359, 364, 365, 407; transfer, 251, 254; census, 263; petitions, 264-265, 270, 283; town complaints, 277; distribution, 343, 345, 346, 397, 431, 435, 439, 447; condition, 431.
- French neutrals, southern, 300; support, 381; boats, 430.
- Frink, Rev. Thomas, anniversary sermon preacher, 277.
- Frontiers, 266; defense, 248, 279, 283, 284, 297-298, 310-311, 417, 427; soldiers, 260; committee, 268; establishment, 285-286, 303, 305-306, 306, 307, 308, 366, 369, 405, 431-433, 443; ammunition, 360, 369-370; memorial, 383-384; letters, 388; Pequoaq petition, 400; state of, 419.
- Frye, Col. Joseph, 302; memorial, 286; allowance, 293.
- Fuller, Amos, petition, 249, 251; empowered, 287.
- Fuller, Elisha, petition, 319, 325.
- Fuller, Joshua, allowance, 243.
- Funds, transfer, 443, 444.
- Furlough, soldiers, 265, 286.
- Furnass, Benjamin, petition, 302-303, 346.
- Gardner, Henry, 294; committee, 331.
- Gardner, Dr. Samuel, account, 409.
- Garrisons and forts, appropriation, 335.
- Gates, Jacob, petition, 420.
- Gay, John, empowered, 287.
- Geddinge, Andrew, petition, 398-399.
- General Court, prorogued, 308; dissolved, 450; Doorkeeper and Messenger. *See* William Baker.
- General Sessions Court, adjourned, 328.
- George II, 310.
- George, Richard, memorial, 296.
- George's Fort, establishment, 431.
- Germantown, lottery, 302.
- Gerrish, Col. Joseph, 251, 329, 385; committee, 246, 254, 259, 262, 268, 291, 299, 302, 346, 360, 370, 405.
- Gibbs, Clerk Henry, 333; directed, 244, 383; allowance, 274, 424; ordered, 298, 444.
- Gilbert, Col. Thomas, 443; frauds, 380-381, 383; petition, 427; complaints of, 429, 430, 433-434; punished, 437; suspension requested, 446.
- Gloucester (Glocester), liquor, 356-357.
- Glover, John, allowance, 408.
- Goldthwait, Joseph, allowance, 408.
- Goldthwait, Thomas, committee, 276, 286, 322, 323, 407, 412, 445.
- Goodrich, David, township transfer, 328.
- Goodrich, Philip, petition, 361, 365.
- Goodrich's Garrison, establishment, 432.
- Goodwin, Ichabod, petition, 394-395.
- Gookin, Simon, petition, 263, 368.
- Gorham Town, snowshoes, 390.
- Goudy, Amos, complaint of, 342.
- Gould, Rachel, petition, 423.
- Government securities, destroyed, 318.
- Governor. *See* Thomas Pownall.
- Grainger, Daniel, province lands, 283.
- Grant, land, 426-427.
- Graves, Belah, allowance, 242.
- Graves, Peter, allowance, 294.
- Gray, Treas. Harrison, 263, 310, 335, 367, 436, 443, 444; directed, 241, 291, 295, 325, 328, 370-371, 373, 384, 387, 426, 442, 445; allowance, 274, 289; ordered, 300; appropriations statement, 312, 313; government securities destroyed, 318; treasury borrowing, 442.
- Great Britain, imports, 259; Mass. agent, 288, 292.
- Greene, Gov. William (R. I.), letter, 262.
- Greenfield, establishment, 432.
- Greenleafe, Mary, petition, 289, 293.
- Greenleafe, Stephen, allowance, 387.
- Greenwood, Thomas, 243, 408.
- Gregory, William, petition, 404, 412-413.
- Gridley, Isaac, directed, 397-398.
- Gridley, Jeremy, committee, 256, 258, 332, 349, 357, 360, 382, 390, 409; ordered, 302, 449.
- Gridley, Samuel, directed, 397-398.
- Groves, Nicholas, land, 324.
- Guardians, petition, 324; Mashpee Indians, 363, 382; Punkapaug Indians, 401, 409-410.
- Gunn, John, memorial, 342-343; allowance, 374.
- Gunn, Stephen, petition, 281; allowance, 287.
- Gutteridge's Garrison, establishment, 286.
- Hadley, Thomas, allowance, 408.
- Hager, Daniel, allowance, 294.
- Hale, Col. Robert, committee, 250, 256, 258, 267, 269, 292, 309, 317, 325, 332, 379, 386, 388, 393, 404, 405; petition, 276, 285; absent, 419.
- Hall, John, commission, 433.
- Hall, Stephen, committee, 253, 355, 377, 430.
- Hall, Commissary Willis, 428.
- Hallowell, Capt. Benjamin, memorial, 311, 323; petition, 381.
- Hampshire County, district bill, 252, 253, 257; excise, 262, collector, 354; province lands, 283; weapons return, 348.

- Harpswell, district bill, 308.
 Harris, John, petition, 331, 340.
 Harris, Jonathan, Jr., petition, 371.
 Harris, Samuel, petition, 397, 402.
 Hartford, meeting site, 310, 395.
 Harvard, selectmen's petition, 420.
 Harvard College, Hebrew instructor. *See* Judah Monis; Hollisian Professors. *See* John Winthrop and Edward Wigglesworth; President. *See* Edward Holyoke.
 Harvey, Ephraim, estate, 312.
 Harvey, Lydia, petition, 312.
 Harvey, Peter, wages, 441-442.
 Harvey, Rebecca, allowance, 442.
 Harvey, William, misnomer, 441-442.
 Haskell, Henry, allowance, 408.
 Haskell, Henry, Jr., allowance, 408.
 Haskell, Samuel, petition, 425; allowance, 444.
 Hassard, Robert, allowance, 243.
 Hatch, Elijah, allowance, 243.
 Hawke's Garrison, establishment, 286, 432.
 Hawks, John, petition, 372; allowance, 381.
 Hawley, Samuel, allowance, 243.
 Hebrew Instructor, Harvard College. *See* Judah Monis.
 Henderson's Garrison, establishment, 432.
 Herrick, Capt. ———, Ranger officer, 260.
 Hewes, Robert, 433; defamatory letter, 409; paper, 447.
 Hill, Abraham, petition, 360; memorial, 388.
 Hill, John, 245, 266, 284, 355, 359, 363, 379, 386, 389, 409, 415, 433, 435, 445.
 Hill, Jonathan, allowance, 252, 408.
 Hills, Benjamin, 408.
 Hingham, Little Harbour, 294, 371, 373, 382, 391.
 Hitchcock, David, bond, 353; land transfer, 377.
 Hitchcock (Hithcock), Jonathan, deceased, 353.
 Hitchcock, Mary, petition, 353-354, 377.
 Hobbs Town, frontier danger, 369.
 Holbourn (Holburn), Adm. Francis, letter, 244-245.
 Holbrook, Eliphalet, petition, 346; allowance, 360.
 Holbrook, Noah, deceased, 346.
 Holden, land tax, 351.
 Hollisian Professors, Harvard College. *See* John Winthrop and Edward Wigglesworth.
 Holliston, French neutrals, 283, 288, 346; selectmen's petition, 346.
 Holmes, Thomas, petition, 396.
 Holt, Urian, allowance, 408.
 Holyoke, Pres. Edward, allowance, 273.
 Hooper, Robert, 312; committee, 373, 409.
 Hoosuck, complaint, 260; report, 263, 264; inquiry, 265.
 Hopkins, Samuel, estate, 287.
 Horse, soldier, 326, 372; allowance for, 381.
 Horse Neck, petition, 313; suit, 329-330.
 Hoskins, Nathan, petition, 325, 365.
 Hospital, Rainsford's Island, 267, 269, 271, 273, 281, 308; Albany, 370.
 Houghton, Jonathan, allowance, 294.
 House, Maj. ———, muster roll, 384.
 House of Representatives, Sessions, Third (concluded), 241-308, Fourth, 309-450; messages, from Gov. Pownall, 247, 250, 266, 271-272, 297-298, 301, 303, 307, 308, 309, 334, 378, 379, 383, 385, 389, 390, 395-396, 406, 415, 428, 429, 437-438, 441, 446, 449, to, 255-256, 300-301, 309, 347, 388, 390, 409, 446, 446-447, to Council, 264, 267, 271, 280, 282, 288, 289, 290, 291, 292, 306, 308, 324, 332, 341, 351, 354, 355, 357, 358, 366, 368, 374, 378, 382, 401, 403, 414, 421, 442, 443, 449, from, 264, 267, 271, 273, 280, 282, 288, 290, 292, 304, 306, 341, 351, 354, 355, 357-358, 368, 414, 442, 448; travel and attendance, 288, 298, 342-343, 430, 444; lottery site, 302; prorogued, 308; speech by Gov. Pownall, 310-311; members, absent, 314, enjoined, 335; dual officeholding, 328; adjourned, 391; exhortation from Gov. Pownall, 391; thanks to Gov. Pownall, 398; dissolved, 450; Chaplain. *See* Ebenezer Pemberton; Clerk. *See* Henry Gibbs; Doorkeeper. *See* William Baker; Speaker. *See* Thomas Hubbard.
 Houses of correction, bill, 263, 269, 271, 276.
 Housing, petition, 312.
 Hovey, Hannah, creditor, 413.
 Howard, Capt. Daniel, committee, 282, 324, 342, 403.
 Howard, Capt. James, petition, 246, 253, 272; allowance, 253-254.
 Howard, Samuel Smith, wages, 297.
 Hoyt, Benjamin, wages, 276.
 Hoyt, Joanna, petition, 271; allowance, 276.
 Hoyt, Moses, petition, 418.
 Hubbard, Speaker Thomas, 271-272, 280, 308, 309, 311, 312, 334, 363, 390, 442, 449; committee, 244, 291, 292, 386; queries Sec. Oliver, 259; allowance, 274; questioned, 279; defense commissioner, 290, excused, 290.
 Hubbell, Capt. Ithamar, 242, 291, 384, 385, 431; committee, 261; ordered, 421.
 Hudson, ———, 298.
 Hudson, Seth, petition, 359-360, 369.
 Huggins, John, allowance, 242.
 Humphry, James, 357; committee, 288, 323, 343, 370, 397, 407, 422, 424, 428; petition, 400.
 Hunt's Town, establishment, 432.
 Hutchins, Capt. Benjamin, 340.
 Hutchins, Hezekiah, allowance, 329.
 Hutchins, Capt. Joshua, 243, 418; committee, 343; tavern keeper, 440.
 Hutchinson, Thomas, 264, 357, 448; committee, 244, 281-282, 363, 386; defense commissioner, 290; memorial, 407.

- Immunity, soldier debts, 382, 384.
 Import duties, Newport, R. I., 259.
 Impost, bill, 346, 355, 361, 363, 390.
 Impressment, sailors, 245; soldiers, 406, 409, 428, 440-441.
 Incoming persons, diseased, 267.
 Indebtedness, estate, 268.
 Indians, redeemed captives, 242, 266-267, 270; trade, 246-247, 320, 321; Pontoosuck defense, 253; scalp bounty, 269, 292, 293-294, 344; lands, 278, 293, 434; dead, value, 293-294; widow's petition, 340; Mashpee guardians' accounts, 363, 382; danger, 366, 384, 417; Pequoaug petition, 400; Punkapaug guardians' accounts, 401, 409-410.
 Inferior Court of Common Pleas, adjourned, 313-314, 328, 419, 421, 435-436.
 Ingersol, Capt. ———, 263, 441.
 Ingersoll, Capt. Joseph, petition, 283; muster roll, 368.
 Ingraham, Elijah, allowance, 243.
 Innkeepers, Boston, petition, 298, 302.
 Instructions, N. E. defense commissioners, 291; Agent W. Bollen, 386.
 Intercolonial conferences, Mass. on, 446-447.
 Ipswich-Canada, township right, 328.
 Iron, transportation difficulties, 348.
 Ives, Lt. Benjamin, wages, 276.
 Jails, bill, 269, 271, 276; Springfield, 281.
 Jarvis, Col. ———, memorial, 441.
 Jeffries, John, memorial, 329, 359.
 Jenkins, Joseph, petition, 430.
 Johnson, Abraham, petition, 252; allowance, 257.
 Johnson, David, allowance, 408.
 Johnson, Enoch, allowance, 408.
 Johnson, Hannah, allowance, 294.
 Johnson, James, petition, 347-348.
 Johnson, Capt. Josiah, 357; committee, 286, 324, 325, 354, 375, 446.
 Johnson, William, deceased, 326.
 Jones, Col. Elisha, 294, 306, 448; committee, 251, 272, 322, 375, 377, 397; ordered, 401.
 Jones, John, allowance, 384.
 Jones, Moses, petition, 421.
 Jordan, Jonathan, petition, 314, 444-445.
 Jordan, Samuel, deceased soldier, 314.
 Jordan, Samuel, committee, 361.
 Josselyn, Thomas, petition, 349, 365.
 Judges, Superior Court of Judicature, allowance, 273.
 Katon, Philip, petition, 403; allowance, 436.
 Keen, Francis, allowance, 243.
 Keen, Josiah, 243; committee, 322.
 Keith, Benjamin, allowance, 302.
 Kellogg, Nathaniel, allowance, 242.
 Kembal, Amos, petition, 439-440.
 Kemp, David, allowance, 340.
 Kennebeck River, New Plymouth purchase, 266.
 Kent, Richard, allowance, 251.
 Kilby, Christopher, draft, 295.
 King, Capt. Henry, 251, 304, 329, 364, 368; committee, 283.
 King, Joseph, illness, 411.
 King, Samuel, 242, 385, 408; committee, 353, 417.
King George, sailors' pay, 244; bills, 244; establishment, 311, 323, 325, 332, 338-339; sailmaker's petition, 325, allowance, 339; provisions, 340, 341, 345; commander's petition, 381.
 Kingston, inhabitants' petition, 400; town meeting, 404-405.
 Knox, Mary, petition, 401.
 Labor, and military, 364, 372, 376.
 Labrador, John, petition, 264, 265, 268, 277.
 Lancaster, Thomas, committee, 251, 253, 254, 317, 322, 346, 353, 361, 396, 402, 407.
 Land, province, 277; proprietors, 278; Indian, 278, 293, 410, 434; survey, 283; sale, 287, 330, 330-331, 344, 352, 393, 394, 400, 401, 407-408, 418, 425-426, 448; petition, 324; grant, 350-351, 426-427; ministerial tax support, 351; deeds, 366; transfer, 377; soldier, 414.
 Land Bank, commissioners' memorial, 329.
 Landerie, Ommoi, French neutral, 254.
 Langdon, Abigail, petition, 400, 407-408.
 Langdon, Nathanael, deceased, 400.
 Larrabee, Capt. John, allowance, 275.
 Lawrence, Gov. Charles (Nova Scotia), 300, 381; French neutrals, 360; request of, 408.
 Lawrence, John, payment, 434.
 Lawrence, Col. William, 243, 340, 351, 423; committee, 242, 250, 252, 258, 331, 340, 342, 345, 346, 358, 361, 366, 370, 371, 373, 375, 381, 393, 415, 416; petition, 266, 268, 352, 440; absent, 437.
 Laws, committee, 256, 357; militia, 340, 374; bill, 369, 373, 377, 379, 380, 390.
 Lealand, Abner, petition, 398.
 Lebanon, establishment, 431.
 Leblane, James, petition, 265.
 Leicester, French neutrals, 439.
 Lemons, excise, 279, 284, 297, 308, 313, 314, 317, 347, 362, 375, 390.
 Leominster, 280; petition, 275-276, 319.
 Leonard, George, 352.
 Letters, frontiers, 388.
 Levy, soldiers, 418, 420, 424, 428, 436, 449.
 Lewis, Hannah, allowance, 304, 368.
 Lewis, Meletiah, smallpox, 245.
 Lexington, tax collector, 435.
 License, Gloucester liquor, 356-357.
 Limes, excise, 279, 284, 308, 313, 314, 317, 347, 362, 375, 390.
 Lincoln, Benjamin, 344, 381; committee, 373.

- Linen manufactory, trustees' memorial, 284, 394.
 Linkon, Isaac, Jr., allowance, 243.
 Liquor, excise, 246, 259, 275, 284, 297, 308, 313, 314, 317, 347, 390, collectors, 298, 319, 351, 354, 355, 356, bill, 361, 362, 371, 375, 418, farmers, 394-395, 426; home sale, 245; and soldiers, 298; Gloucester license, 356-357; West Hoosuck petition, 436.
 Liscom, Ebenezer, allowance, 294.
 Lithgow, Capt. William, memorial, 246, 253.
 Little Harbour, Hingham, 294, 371, 373, 382, 391.
 Livermore, Edmund, deceased, 422, 429.
 Livermore, Capt. Samuel, 261; committee, 246, 253, 259, 262, 291, 303, 312, 322, 324, 341, 360, 361, 372, 386, 412; permission, 271.
 Lockhart, James, deceased, 448.
 Loomis, Josiah, petition, 249.
 Lottery, frontier defense, 248; bridge, 249, 266; Germantown, 302; committee, 325, 363; Land Bank, 329; road, 345; Taunton River, 348; bill, 357; manufactory, 359; treasury supply, 364, 367, 369, 405, 424, 428, 438, 444, 448, 449; managers, 444.
 Loudoun, John Campbell, Earl of, 244, 245, 282, 286, 291, 295, 302, 323, 334, 348, 370, 375, 380, 386, 398, 401, 409, 412, 418, 421, 436, 438, 445; letter, 244, 255; Mass. troops under, 267; meets Gov. Pownall, 310; billeting, 323, 325.
 Louisbourg, expedition, 258; flag of truce expense, 323; ransom site, 429.
 Love, Margaret, petition, 439.
 Lovejoy, Nathan, petition, 250-251; allowance, 293.
 Lovet, Capt. Phineas, 384.
 Low, Jonathan, petition, 317, 326.
 Low, Nathanael, petition, 393, 405.
 Luce, Ebenezer, allowance, 243.
 Lumber, transportation difficulties, 348.
 Lunenburg, Shirley annexation, 257; selectmen's petition, 439-440.
 Lyman, Gad, Hampshire County liquor excise collector, 354.
 Lyman, Gideon, 340, 408; committee, 268, 301, 401, 405, 412.
 Lyman, Seth, allowance, 368.
 Lynde, Benjamin, 351, 352; committee, 244, 347, 409.
 Lynde, Joseph, petition, 252, 448.
 Lyon, Edward, allowance, 243.
 McFarland, Walter, petition, 266-267; allowance, 270-271.
 McIntyer, Noah, allowance, 329.
 Madamcook, establishment, 432.
 Maid, theft, 366.
 Malcom, John, petition, 259, 282.
 Malden, selectmen's petition, 252, 488; tavern petition, 425.
 Managers, lottery, 444.
 Manster, Robert, petition, 342.
 Manter, Robert, 346, 386.
 Manufactory, lottery, 359; bills, 359, 379, 381, 382, 391; memorial, 394.
 Marblehead, French neutrals, 283.
 Marcy, Col. Moses, 304, 362, 368, 384, 423, 434, 436; committee, 272, 360, 372, 415, 416, 422.
 Marsh, David, 243, 408; committee, 299, 323, 343.
 Marshall, Thomas, petition, 343.
 Marshfield, tavern petition, 396.
 Martha's Vineyard, ferry, 430.
 Martin, Elizabeth, petition, 328.
 Martin, John, Jr., deceased, 328.
 Mascarene, John, petition, 449.
 Mashpee Indians, guardians' accounts, 363, 382.
 Massachusetts, troops under Loudoun, 267; agent, 288, 292; example of, 311; province securities, 318; currency exchange, 327-328; soldiers for Louisbourg, 347; and British troops, 385; weapons in Nova Scotia, 408; on intercolonial conferences, 446-447.
 Matthews, Asahel, allowance, 408.
 Maxey, Josiah, 243.
 Mead, Hopestill, debts, 272.
 Medammock Falls, establishment, 432.
 Medford, tavern petition, 398; selectmen's petition, 445.
 Medicine, soldiers, 445.
 Meeting, Cold Spring inhabitants, 405.
 Members, York County, absent, 395.
 Merchants, Boston petition, 404.
 Merriconeague Neck, district bill, 249, 264, 289, 308.
 Merrill (Merrell), Isaac, 243; committee, 281, 417, 430.
 Merrimack River, fishing, 377, 398, 403.
 Merrow, Edward, death, 282.
 Merrow, Edward, Jr., death, 282.
 Merrow, Mary, petition, 282.
 Messages, Gov. Pownall to House, 250, 266, 271-272, 297-298, 301, 307, 308, 309, 334, 379, 383, 389, 390, 429, 441, 446, 449, and Council, 303, 378, 385, 395-396, 406, 415, 428, 437-438; Council to House, 264, 267, 271, 273, 280, 282, 288, 290, 292, 304, 306, 341, 351, 354, 355, 357-358, 368, 414, 442, 443, 448; House to Council, 264, 267, 271, 280, 282, 288, 289, 290, 291, 292, 306, 308, 324, 332, 341, 351, 354, 355, 357, 358, 366, 368, 374, 378, 382, 401, 403, 414, 421, 442, 443, 449, to Gov. Pownall, 300-301, 309, 388, 390, 446; Council and House to Gov. Pownall, 347, 409, 446-447.
 Messenger. *See* William Baker.
 Methuen, complaint of, 264-265.
 Middlesex County, excise, 262, collector, 354; courts adjourned, 328.

- Middleton, French neutrals, 254.
 Military, return, 259-260; accounts, 276; service, 356, 357; exemption, 372, 376; commissions, 378.
 Militia, bill, 248, 249, 252, 254, 258, 268, 273, 277, 280, 281, 282, 380, 382, 390; establishment, 259-260, 306, 324, 366, 368, 403, 411, 414, 415, 442; returns, 267, 271, 406; regulation, 308; billeting, 325; law, 340; and labor, 364; act, suspension, 364, 372, 374, 376, 377; muster, 430.
 Milliken, Capt. Benjamin, committee, 252, 324, 343, 361, 402.
 Milliken, Edward, committee, 242, 255, 372; directed, 390.
 Mills, Joanna, petition, 287.
 Milton, selectmen's petition, 345.
 Ministers, support, 258, 329, 343, 351; dismissal, 319.
 Minors, guardians' petitions, 322, 324.
 Minot, James, 305, 308, 312, 313, 319, 355, 424, 428; petition, 246; committee, 264, 265, 270, 327, 342, 344, 433.
 Minot, John, memorial, 261; petition, 272.
 Miuse, Charles, petition, 270, 365; complaint, 415, 435.
 Miuse, Francis, petition, 265, 312, 322, 343, 345.
 Miuse, John, petition, 312, 322, 343, 345.
 Miuse, Lawrence, petition, 264-265.
 Mixer, Josiah, petition, 272.
 Mixer, Sarah, petition, 272.
 Monis, Judah, allowance, 274.
 Montague, petition, 273.
 Montague, Richard, allowance, 243.
 Moore, Capt. ———, directed, 398.
 Morey, Ephraim, allowance, 329.
 Morey, Thomas, 294, 423; committee, 261, 262, 272, 299, 302, 312, 322, 327, 348, 353, 386, 390, 399, 402, 404, 405, 409; excused, 381.
 Morris, Jacques, French neutral, 300, 439.
 Morris, Thomas, petition, 366.
 Morse, Eli, allowance, 423.
 Moulton, Freeborn, allowance, 242.
 Murray, Col. John, 340; committee, 242, 267, 330, 425; ordered, 277, 331; reports, 338.
 Muster rolls, delay, 375; extension, 380; notification, 430.
 Nantucket, assessors, 401; bill, 442.
 Nantucket County, excise, 263, collector, 355.
 Narragansett Number One, snowshoes, 390; establishment, 431.
 Narragansett Number Two, taxes, 326.
 Nash, Daniel, petition, 323-324, 330, 341.
 Nash, Jonathan, petition, 249.
 Needham, selectmen's petition, 249, 251; French neutrals, 251.
 Needham, Anthony, allowance, 242.
 Negro servant, soldier, 367-368.
 Nelson, Capt. ———, 396.
 Nelson, Beatrix (Beatrice), petition, 324, 333.
 Nelson, George, deceased, 324.
 Neponset (Neponsit) River, fishing, 398.
 Nevers, Samuel, petition, 243; allowance, 251.
 New England, defense commissioners, 281-282, 289, 289-290, 291, 305, 312.
 New Gloucester (Glocester), establishment, 432.
 New Hampshire, currency exchange, 327-328.
 New Marblehead, petition, 277-278; establishment, 432.
 New Plymouth, memorial, 266.
 New York, 259.
 Newbury, precinct petition, 315.
 Newman, George, petition, 278.
 Newman, George, Jr., petition, 268.
 Newman, Lucy, petition, 268, 278.
 Newport, R. I., import duties, 259.
 Newspapers, gubernatorial censorship, 383.
 Newton, tavern petition, 319.
 Newton, Peter, allowance, 340.
 Nichols, Maj. and Col. Ebenezer, 284; committee, 251, 258, 259, 263, 269, 286, 292, 325, 331, 343, 353, 361; petition, 334; land grant, 350-351; ordered, 442.
 Niles, Samuel, Jr., Punkapaug Indian guardian, 410.
 Nipmug Indians, lands, 278.
 Nixon, Capt. ———, directed, 398.
 Noble, Matthew, 243, 357, 445; petition, 247; ordered, 366; committee, 414.
 Noble's Town, 277.
 Norcross, Joseph, allowance, 448.
 Norcutt, Ebenezer, petition, 370; allowance, 373.
 North Yarmouth, annexation, 264; snowshoes, 390.
 Northfield, establishment, 432.
 Norton, Col. John, 364; committee, 262; weapons return, 348.
 Notification, militia muster, 430.
 Nova Scotia, French neutrals, 248, 251, 254, 263, 264-265, 270, 277, 283, 287-288, 300, 322, 343, 345, 346, 358-359, 364, 365, 397, 407, 431, 435, 439, 447; Mass. weapons, 408.
 Noyes, Col. John, petition, 276, 344, 357; committee, 309.
 Nurse, Benjamin, petition, 410-411; allowance, 449.
 Nutting, William, allowance, 423.
 Officeholding, dual, 313-314.
 Officer, western frontiers, 301; status seeker, 322; muster rolls, 380; bonds, 381; advance wages, 443-444.
 Olds, Miriam, 384.
 Oliver, Sec. Andrew, 244, 247, 258, 262, 264, 267, 271-272, 281, 284, 288, 289, 290, 297, 303, 307, 308, 309, 310, 311, 332, 334, 339, 372, 375, 378, 379, 380, 383, 385, 389, 390,

- 391, 395, 403, 406, 415, 428, 429, 437, 441, 443, 449, 450; queried, 259, 279; directed, 261; ordered, 263; allowance, 274; memorial, 284, 394; committee, 305.
- Oranges, excise, 279, 284, 297, 308, 313, 314, 317, 347, 362, 375, 390.
- Organization, table of, Canadian expedition, 383, 385-386, 387-388, 389.
- Osborne, John, memorial, 249-250, 268; committee, 409.
- Osgood, Anne, petition, 417.
- Osgood, David, petition, 326, 360, 371.
- Osgood, James, petition, 272.
- Osgood, John, 294, 408.
- Osgood, Col. John, Jr., 281, 288; absent, 260; committee, 266, 272, 276, 286, 326, 328, 346, 387, 403, 415.
- Otis, James, allowance, 423.
- Paine, Timothy, 243, 338, 449; petition, 256, 367; committee, 262, 322, 324, 330, 331, 341, 363, 367, 369, 370, 371, 375, 376, 412, 419, 422, 425, 430; ordered, 326; report, 330-331.
- Paper, stamped, 369; unstamped, 412; money, exchange, 366-367.
- Parker, James, petition, 282, 288.
- Parker, Jonathan, allowance, 357.
- Parker, Joseph, petition, 241.
- Parliament, and province law, 255; sovereignty acknowledged, 256.
- Partridge, Joshua, petition, 366, 367.
- Partridge, Samuel, deceased, 366.
- Patten, John, petition, 353.
- Patten, William, deceased, 353.
- Pay, sailors, *King George*, 244; chaplain, 419.
- Peacock, John, petition, 397; allowance, 413.
- Peas, shortage, 320, 321.
- Pemaquid, establishment, 285.
- Pemberton, Rev. Ebenezer, allowance, 275.
- Penobscot Indians, murder of, 269.
- Pepperrell, Sir William, memorial, 256; committee, 256, 386, 447; grants, 258.
- Pequoag, defense petition, 400.
- Perkins, Ichabod, allowance, 243.
- Perkins, Sarah, allowance, 251.
- Perley, Thomas, petition, 254.
- Pesumpscot River, bridge, 248, 249, 252, 257, 266.
- Petersham, complaint, 244.
- Phillips, John, allowance, 275.
- Phillips, Samuel, 421.
- Phillips Town, establishment, 431.
- Phinney, Eli, allowance, 414.
- Phips, Lt. Gov. Spencer, 425, 431; deceased, 384.
- Pickman, Benjamin, committee, 344, 409; ill, 433.
- Pierce, Jonathan, allowance, 294.
- Pierce, Josiah, 448; committee, 324, 401, 428.
- Pierson Town, danger, 369; establishment, 432.
- Pitcher, Moses, petition, 353; allowance, 362.
- Pitt, Sec. of State William, 335, 337; letter to Gov. Pownall, 334.
- Pixley, Mercy, petition, 285, 297.
- Plaisted, Ichabod, weapons return, 348.
- Plymouth, weapons return, 348; taverns, 423.
- Plymouth County, excise, 262, collector, 354; courts adjourned, 313-314, 398, 399, 435-436; weapons return, 348.
- Poley, Ebenezer, petition, 275-276, 280, 283.
- Pontoosuck, defense, 253; establishment, 286.
- Pool, William, allowance, 423.
- Poole, Samuel, petition, 326.
- Poor, bill, 263, 272, 281, 287.
- Pork, shortage, 320, 321.
- Porter, Joseph, petition, 243.
- Pownall, Gov. Thomas, 244, 245, 258, 259-260, 261, 266, 267, 271, 276, 279, 283, 284, 288, 295, 301, 302, 305, 306, 307, 308, 311, 312, 313, 314, 317, 325, 332, 337, 339, 350, 372, 374, 378, 386, 387-388, 390, 399, 403, 408, 409, 414, 418, 419, 422, 438, 440, 442, 445, 447; messages, to House, 247, 250, 266, 271-272, 297-298, 298, 301, 307, 308, 309, 334, 379, 383, 389, 390, 429, 441, 446, 449, and Council, 303, 378, 385, 395-396, 406, 415, 428, 437-438, from House, 300-301, 309, 388, 446, and Council, 255-256, 347, 409, 446-447; meets Loudoun, 310; speech to Council and House, 310-311; letter from Sec. Pitt, 334; on military commissions, 378; omission, 382; newspaper censorship, 383; exhortation to Council and House, 391; House thanks, 398; requested, 415, 437; dissolves General Court, 450.
- Prat, Benjamin, committee, 279, 282, 292, 307, 322, 330, 332, 341, 344, 398, 406, 408, 409, 418, 422; ordered, 281, 398, 404, 434; report, 287, 399, 412, 437; defense commissioner, 290.
- Pratt, Ebenezer, wages, 302.
- Preacher, anniversary sermon, 275, 277.
- Prebble, Abraham, 412; defendant, 404.
- Prebble, Jedediah, memorial, 389, 390, 424.
- Prebble, Joshua, 412; defendant, 404.
- Precinct, Newbury annexation petition, 315; Leominster petition, 319.
- Prince of Wales*, province snow, 244, 276, 307.
- Prisoners, Schuyler relief, 247; transportation and board, 281; redemption, 289.
- Probate courts, bill, 426.
- Property, transfer, 383; Boston valuation, 404.
- Proprietors, land, 278; regulation, 294; Road Town, 326; Little Harbour (Hingham), 371, 373, 381, 391; frontiers, 383; Nantucket, 442.
- Protest, taxes, 404, 420.
- Province, lands, 277, 283; fishery, 311; stores, 442; Agent. *See* William Bollan; snow. *See*

- Prince of Wales*; ship of war. See *King George*.
- Provisions, committee, 257; soldiers, 260, 265, 373; *King George*, 340, 341, 345.
- Public entertainment, petition, 423.
- Pulsipher, William, allowance, 304, 368.
- Punkapaug Indians, guardians' accounts, 401, 409-410; land, 410.
- Purrinton, Hezekiah, allowance, 429.
- Putnam, Dr. Amos, allowance, 295.
- Pynchon, Joseph, 255, 302, 305, 324, 357, 365, 375, 386, 447, 448.
- Quakers, tax exemption, 247, 269, 271, 308; as soldiers, 356.
- Quartering, troops, 255, 385, 389.
- Quartering Act, inoperable in colonies, 255.
- Quebec, 270.
- Quincy, Col. Josiah, 271, 284, 288, 290, 306; committee, 250, 258, 268, 307, 309, 312, 321, 323, 331, 334, 340, 348, 358, 365, 386, 387, 398, 399, 404, 414, 438, 443, 446; ordered, 354, 403, 414, 443.
- Rainsford's Island, hospital, 267, 269, 271, 273, 281, 308.
- Ralfe, Thomas, petition, 342, 352.
- Ramsdell, Tabitha, petition, 254, 258.
- Ransom, reimbursement, 429.
- Real estate, 272, 287, 293, 322, 324, 326, 331, 333, 338, 354, 377, 394, 402-403, 405, 407, 412, 422, 427, 429-430.
- Receipts, liquor excise, 246.
- Recess, requested, 267.
- Recruiting, bonds, 378, 381.
- Redemption, captives, 242, 289; manufactory bills, 359; stamps, 367.
- Reed, Maj. Benjamin, 251; committee, 246, 268, 281, 282, 301, 307, 322, 324, 342, 346, 374, 375, 422.
- Reed, Ithamar, allowance, 408.
- Reed, Capt. James, absent, 439.
- Reed, Samuel, Jr., allowance, 251.
- Rehoboth, tavern petition, 376.
- Reimbursement, ransom, 429.
- Relief, soldiers' families, 270, 412, 426; poor, 263, 272; apprentice, 322.
- Religion, tax exemption, 247, 269, 308.
- Remington, John, Middlesex County liquor excise collector, 354.
- Repair, snowshoes, 390.
- Report, Hoosuck committee, 263, 264; commissaries, 423-424.
- Request, weapons return, 408.
- Returns, militia, 267, 406.
- Rhoads, Samuel, allowance, 408.
- Rice, John, allowance, 384.
- Rice's Garrison, establishment, 432.
- Richardson, Nathaniel, allowance, 243.
- Richardson, Sarah, petition, 248.
- Richmond, Sylvester, allowance, 243.
- Riggs, Thomas, allowance, 349.
- Roach, Capt. Joseph, committee, 263.
- Road, lottery, 345.
- Road Town, petition, 326; taxes, 360, 388.
- Robinson, Capt. Joseph, committee, 352; directed, 398; examined, 422; memorial, 430.
- Robinson, Josiah, allowance, 408.
- Rocky Point, 348.
- Roger, Capt. Richard, 420.
- Rogers, Rev. John, dismissal, 275-276, 319.
- Rook, John, allowance, 423.
- Ross, James, allowance, 241.
- Ross, Robert, redemption, 250.
- Ross, William, memorial, 242; allowance, 250.
- Royall, Isaac, 246, 275, 276, 277, 287, 289, 301, 304, 306, 379, 389, 430, 435, 443.
- Royall, Jacob, petition, 398-399.
- Rudge, John, petition, 425.
- Ruggles, Col. Timothy, 413, 425, 434; committee, 244, 255, 262, 268, 275, 329, 334, 341, 344, 382, 400, 405; ordered, 317; report, 347, 357.
- Rum, soldiers, 259, 395.
- Russell, Judge Chambers, committee, 268, 275, 292, 324-325, 325, 329, 332, 347, 360, 381, 382, 385, 386, 388, 405, 408, 409, 443; ordered, 374.
- Russell, James, committee, 250, 262, 321, 332, 386, 415, 430; lottery manager, 444.
- Sachee, Ranney, petition, 412; allowance, 431.
- Sackett, Benoni, allowance, 357.
- Saco River, bridge, 248, 249, 252, 257, 266.
- Saco truckhouse, establishment, 285, 431.
- Sailmaker, petition, 311, 325; allowance, 339.
- Sailors, *King George*, 244, 323; impressment eschewed, 245; wages, 276; subsistence, 381; debt exemption, 384, 385, 389, 391.
- St. George's truckhouse, establishment, 285.
- Sale, real estate, 338, 354, 377, 394, 402-403, 405, 407, 412, 422, 427, 429-430; land, 344, 352, 393, 394, 400, 401, 407-408, 410, 418, 425-426, 448.
- Salem, weapons return, 348.
- Samson, Isaac, payment, 434.
- Sandwich, reply, 327; French neutral boats, 430.
- Savage, Commissary ———, examined, 422.
- Savage, Abraham, directed, 397-398.
- Savage, John, allowance, 314.
- Sawmill, accident, 425.
- Sayer, Dr. Joseph, 361, 364; committee, 363, 369, 376, 438; ordered, 368.
- Sayward, Jonathan, weapons return, 348.
- Scalps, Indian, bounty, 269, 292, 293-294, 344.
- Schooling, allowance, 270-271.
- Schools, Boston, 266.
- Schuyler, Col. Peter, advance, 242; prisoner relief, 247; redemption credit, 250; allowance, 270; loan, 348.

- Scouts, 303; ammunition, 369-370.
 Seager, Oliver, allowance, 423.
 Searl, Isaac, allowance, 369; petition, 436.
 Sears, Elizabeth, minor, 324.
 Sears, John, petition, 324, 327, 405, 412.
 Sears, Jonathan, deceased, 324.
 Sears, Jonathan, Jr., minor, 324.
 Secretary. *See* Andrew Oliver.
 Securities, government, destroyed, 318.
 Sedaula, Mary, petition, 340; allowance, 343.
 Selectmen, Medford, 445; Malden, 448.
 Sermon, anniversary preacher, 275, 277.
 Servant, allowance, 247; soldier, 297, 302, 325, 343, 367-368, 411.
 Service, military, 357, 382.
 Sever, Nicholas, petition, 400, 404.
 Sewall, Chief Justice Stephen, 290; committee, 256, 305; allowance, 273; defense commissioner, 290, excused, 290.
 Shaw, Hannah, allowance, 294.
 Shead, Jonathan, deceased, 352.
 Sheaffe, William, petition, 345.
 Shears, Samuel, allowance, 385.
 Sheffield, 277, 281; petition, 249.
 Shelden's Garrison, establishment, 286, 432.
 Sherbourn, assessors, 401.
 Sherburne, Joseph, 254-255.
 Sherman, James, allowance, 408.
 Shipping, embargo, 337, 338, 341, 343, 390; impost, 355, 361, 363, 390.
 Shirley, Lunenburg annexation, 257.
 Shirley, Gen. William, 373, 403.
 Shurtleff, Capt. Joseph, tavern, 423.
 Sickness, bill, 271, 273.
 Skinner, Ebenezer, empowered, 287.
 Smallpox, soldiers, 245, 299, 322, 374, 420, 421; deaths, 282.
 Smith, Caleb, allowance, 242.
 Smith, David, allowance, 423.
 Smith, Elkanah, allowance, 243.
 Smith, John, petition, 322, 342.
 Smith, Josiah, allowance, 408.
 Smith, Capt. Nathanael, 243, 251, 252; committee, 251, 345, 422.
 Smith, Samuel, allowance, 243.
 Smith, Simon, allowance, 243.
 Snow, province. *See* *Prince of Wales*.
 Snow, Reuben, 344.
 Snow, Silvanus, 342.
 Snow, William, allowance, 325.
 Snowshoes, repair, 390; transfer, 390.
 Soldiers, wages, 241, 243, 246, 247, 250-251, 251, 252, 253-254, 263, 271, 276, 282, 285, 286, 290-291, 291, 293, 294, 297, 302, 314, 314-315, 325, 331, 334, 340, 342, 343, 346, 347, 349, 352, 357, 360, 361, 370, 370-371, 371, 373, 389, 396, 397, 398-399, 401, 403, 413, 416, 418, 424, 425, 433, 438, 441-442, 444, 445; weapons, 241, 243, 252, 253, 261, 285, 297, 315, 325, 346, 348, 353, 370, 370-371, 373, 384, 397, 413; sick and wounded, 242-243, 251-252, 257, 260, 261, 294, 303-304, 314, 328-329, 334, 340, 357, 367, 367-368, 374, 375, 384-385, 400, 408, 410-411, 411, 413, 414, 417, 421, 423, 441, 448; allowance, 243, 285, 294, 314, 328-329, 348, 353, 368, 436; complaint of, 244; smallpox, 245, 299, 322, 374, 420; provisions, 257, 260, 265, 373; rum, 259, 395; memorials, 260, 286; furloughs, 265, 286; substitutes, 265, 323; petitions, 269, 294, 295-296, 322, 323, 325, 326, 328-329, 331, 334, 342, 343, 353, 356, 361, 370, 371, 375, 396, 397, 398-399, 403, 410-411, 413, 414, 416, 417, 421, 424, 425; relief, 270; dead, 282, 314, 346; widows, 288, 294, 314-315; billeting, 291, 298, 299, 323, 337, 352, 353, 358, 374, 376, 378, 427, 434, 442, 449; servants, 297, 302, 325, 343, 367-368, 411; and liquor, 298; subsistence, 300, 303, 337, 338, 339, 347, 397; bread, 302-303; scouts, 303; bounties, 305, 323, 350, 356, 358, 361, 362, 408; estate, 312; blind, 322; town enlistment tax, 323; expenses, 331; and taverners, 337, 338, 339, 411, 445; at Louisbourg, 347; family support, 349, 412, 426; deserter, 352; enlistment, 355, 374, 375, 384, 406, 428, 440-441; as Quakers, 356; ammunition, 360, 369-370; blankets, 365, 428; prisoner, 370; horse, 372; recruiting bonds, 378; debt exemption, 382, 384, 385, 389, 391; service duration, 382; British, 385; impressment, 406, 440-441; transportation, 412, 415, 441, 447; fraud, 413; land, 414; equipment, 415, 417, 419, 434; levy, 418, 420, 424, 428, 433, 436, 449; care of, 422; captive, 435; medicine, 445; baggage, 447.
 Sollard, Joseph, deceased, 325.
 Soper, Consider, petition, 243; allowance, 252.
 South, French neutrals, 360.
 South Hadley, selectmen's petition, 323-324, 330, 341.
 Sowle, John, payment, 313; action, 329-330.
 Sparhawk, Nathaniel, ordered, 245; committee, 250, 268, 301.
 Spaulding, Capt. Ephraim, 252, 357, 385; committee, 289, 343, 353, 367, 403.
 Speaker, House of Representatives. *See* Thomas Hubbard.
 Speech, Gov. Pownall to Council and House, 310-311.
 Sprague, Capt. Noah, 365; committee, 246, 251, 326, 346, 356, 366, 369, 417; absent, 260, 266; excused, 381.
 Springfield, jail, 281; weapons return, 348.
 Spur, Robert, Punkapaug Indian guardian, 410.
 Stacy, John, petition, 416; allowance, 436.
 Stakes, Benjamin, memorial, 247.
 Stamp Act, bill, 412, 419, 421, 450.
 Stamp Duties, commissioner, 256.

- Stamped paper, bill, 369.
 Stamps, redemption, 367.
 State, frontiers, 419.
 Stearns, Stephen, allowance, 388.
 Stebbins, Moses, allowance, 423.
 Stebbins, Stephen, allowance, 423.
 Stebbins, William, allowance, 385.
 Stebbins, Zebadiah, allowance, 408.
 Stetson, Ebenezer, 243; committee, 283.
 Stevens, Abigail, petition, 331, 338.
 Stevens, Isaac, deceased, 331.
 Stevens, Capt. William, 338, 387; committee, 259, 268, 288, 323, 328, 342, 393.
 Stickney, William, 408.
 Stockbridge, defense, 417; establishment, 432.
 Stockwell, Experience, allowance, 243.
 Stone, John, allowance, 423.
 Stone, Jonathan, petition, 437.
 Stone, Nathaniel, 243; committee, 262, 399, 404, 412, 437, 446.
 Stone, Robert, petition, 298, 302.
 Stone, Capt. Zedekiah, complaint of, 244, 327, 333-334.
 Stores, appropriation, 428; Albany, 438; province, 442.
 Stoughton, French neutrals, 251; Second Precinct, 276.
 Stratt, Christopher, petition, 269.
 Strong, Nathaniel, allowance, 340.
 Strout, Christopher, petition, 355.
 Sturtevant, Cornelius, petition, 322, 330.
 Subsistence, soldiers, 265, 300, 303, 337, 338, 339, 347, 350, 397; sailors, 381.
 Substitutes, soldiers, 265, 323.
 Suffolk County, excise, 262, 375, collector, 354; court adjournment, 314.
 Sumner, Capt. Nathaniel, 243, 302, 385, 408; committee, 262, 307, 367.
 Superior Court of Judicature, 254, 270, 290, 349; judges, 273; adjournment, 314, 398, 399; Chief Justice. *See* Stephen Sewall.
 Supplies, taverners, 411; surgeons, 437-438, 446.
 Supply, treasury bill, 348, 355, 361, 362, 363, 364, 366, 369, 390, 405, 424, 428, 438, 441, 443, 444, 448, 449.
 Support, ministers, 329, 343, 351; soldiers' families, 349; southern French neutrals, 360, 381.
 Surgeons, *King George*, 311; mates, 419; supplies, 437-438, 446.
 Surrender, Fort William Henry, 370, 375.
 Survey, land, 283, 410.
 Surveyor, B. Day, 283.
 Suspension, militia bill, 364, 368, 372, 374, 376, 377.
 Swan, William, petition, 403.
 Table of organization, Canadian expedition, 383, 385-386, 387-388, 389.
 Talbot, Daniel, allowance, 294, 408.
 Taunton, 312; weapons return, 348; petition, 348.
 Taunton River, transportation difficulties, 348.
 Taverners, and soldiers, 291, 337, 338, 339, 376, 411, 445, 449.
 Taverns, 241; petitions, 319, 321, 376, 396, 398, 401, 423, 425, 439, 439-440.
 Taxes, religious exemption, 247, 269, 271, 308; town enlistment, 323; South Hadley, 323-324, 341; Narragansett Number Two, 326; Road Town, 326, 360, 388; ministerial support, 351; Boston, 404, 420, 439; Lexington, 435; Medford, 445.
 Taylor, William, Jr., directed, 397-398.
 Taylor's Garrison, establishment, 286, 432.
 Tea, excise, 262-263, 375, 379, 443, delinquent farmers, 426.
 Tewksbury, complaint of, 265; French neutrals, 277; petition, 343.
 Thacher, Josiah, petition, 342, 346.
 Thacher, Samuel, petition, 250.
 Thayer, Daniel, deceased, 402.
 Thayer, Hannah, allowance, 384.
 Thayer, Oliver, weapon, 384.
 Thayer, Uriah, allowance, 384.
 Theft, maid, 366.
 Thomas, Isaac, directed, 397-398.
 Thomas, Nathanael Ray, petition, 365, 415, 435.
 Thomson, David, petition, 305.
 Thwing, John, allowance, 243.
 Tilson, Jonathan, petition, 322, 330.
 Tomson, David, Jr., allowance and pension, 304.
 Torrey, Samuel, petition, 245.
 Town, enlistment tax, 323; Kingston officers, 400, meeting, 404-405.
 Townsend, James, deceased, 394; estate division bill, 396, 399, 419, 450.
 Townsend, William Blair, petition, 394.
 Township, Ipswich-Canada, 328.
 Trade, illegal wartime, 246-247; province, 311.
 Transfer, land, 377; property, 383; snowshoes, 390; funds, 334-335, 443, 444.
 Transportation, prisoners, 281; Taunton River, 348; soldiers, 412, 415, 441, 447.
 Trask, John, petition, 422, 436.
 Travel, House of Representatives, 288, 298, 430, 444; memorial, 342-343.
 Treasurer. *See* Harrison Gray.
 Treasury, supply bill, 348, 355, 357, 361, 362, 363, 364, 367, 369, 390, 405, 424, 428, 438, 441, 443, 444, 448, 449; borrowing, 362, 367, 374, 442.
 Troops, quartering, 255, 389.
 Trowbridge, Atty. Gen. Edmund, directed, 437.
 Truce, flag of, 323.
 Trustees, linen manufactory, 394.
 Tucker, Jazaniah, 408; petition, 323.
 Tucker, Jonathan, petition, 331, 397.

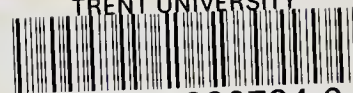
- Tupper, Simeon, petition, 314; allowance, 418.
 Turner, Israel, Plymouth County liquor excise collector, 354.
 Turner, John, committee, 301, 331, 343, 346, 400, 412; ordered, 332.
 Tuthill, Nathan, petition, 273, 279.
 Tynan, Richard, wages, 445.
 Tyng, John, committee, 242, 256, 259, 268, 282, 284, 290, 298, 299, 302, 303, 307, 312, 323, 332, 340, 341, 348, 371, 372, 373, 377, 379, 381, 386, 390, 393, 398, 412, 415; ordered, 245; excused, 249, 341; defense commissioner, 290; absent, 437; lottery manager, 444.
 Upham, Capt. Jabez, 243, 329; committee, 246, 268.
 Valuation, Boston property, 404.
 Van Horn, Christian, petition, 343; allowance, 353.
 Victuals, contractors' agent, 441.
 Vincent, Isaac, Jr., petition, 261, 301.
 Viscount, Dorcas, petition, 267, 407, 444.
 Viscount, Philip, deceased, 407.
 Wages, soldiers, 241, 243, 247, 252, 253-254, 263, 276, 282, 285, 286, 290-291, 291, 293, 294, 299-300, 302, 314, 314-315, 325, 331, 334, 340, 342, 343, 346, 347, 349, 352, 357, 360, 361, 367, 370, 370-371, 371, 373, 389, 396, 397, 398-399, 401, 403, 413, 416, 418, 424, 425, 433, 435, 438, 441-442, 443-444, 444, 445; sailor, 276; doctor, 295.
 Wainwright, Christian, petition, 440.
 Waldo, Capt. Samuel, Jr., 362, 436; committee, 242, 263, 324, 342, 353, 376, 405, 445; ordered, 345.
 Walker, Joseph, allowance, 384.
 Walker, Philip, 384.
 Walker, Capt. Timothy, 251; allowance, 384; committee, 396.
 Wallis, Ebenezer, allowance, 304, 368; petition, 368.
 Walton, Thomas, allowance, 408.
 War, trade, 246-247; prisoner relief, 247; stores committee, 249-250; Colerain danger, 366.
 War Committee, 1756, allowance, 268.
 Ward, Maj. Artemas, 276, 294, 361; committee, 271, 282, 338, 340, 411; absent, 437.
 Ward, John, petition, 358.
 Ward, Joshua, petition, 358.
 Ware Bridge, 348.
 Ware, Michael, allowance, 243.
 Warner, Elisha, allowance, 408.
 Warren, John, allowance, 357.
 Watts, Samuel, 349, 361, 374, 403, 427, 437, 446; ordered, 245; committee, 415.
 Weapons, soldier, 241, 243, 252, 253, 261, 285, 297, 315, 325, 346, 353, 370, 370-371, 373, 384, 397, 413; return, 348, 408; Castle William, 379, 386.
 Webber, Trenance, allowance, 242.
 Wendell, Jacob, 248; committee, 386.
 West, Elizabeth, executrix, 386.
 West, Capt. Peter, deceased, 386.
 West Hoosuck, 264; provisions, 265; establishment, 286, 432; ammunition, 359-360, 369; liquor petition, 436.
 Westbrook, Thomas, insolvent estate, 254-255.
 Western frontiers, establishment, 285-286, 303; commanding officer, 297-298, 301; defense, 390; state of, 419.
 Westford, petition, 327.
 Wethrel, Thomas, tavern, 423.
 Wheelock, Jonathan, petition, 402-403, 418.
 Wheelock, Phineas, petition, 323, 418.
 Wheelwright, Commissary General John, 386, 428; allowance, 274, 295, 418; accounts, 319-321; appropriation, 335; weapons return, 348; directed, 365; stores, 442.
 Whipple, James, petition, 377.
 Whipple, James, Jr., petition, 338.
 Whipple, Capt. John, allowance, 433.
 Whipple, Joseph, petition, 367-368.
 White, Capt. ———, directed, 398.
 White, David, petition, 371.
 White, Jeremiah, wages, 445.
 White, John, allowance, 243, 337, 408; ill, 417.
 White, Jonathan, petition, 319, 327.
 White, Col. Samuel, 243, 284, 306, 423; committee, 242, 244, 250, 255, 262, 275, 277, 278, 281, 282, 290, 291, 307, 309, 322, 324, 327, 329, 332, 338, 340, 341, 342, 348, 349, 354, 356, 357, 382, 385, 388, 393, 397, 398, 399, 400, 401, 404, 405, 406, 409, 412, 422, 425, 445, 447; ordered, 301, 427; report, 302; petition, 313, 329-330; weapons return, 348; absent, 359, 419; excused, 381; directed, 387.
 White, Thomas, petition, 401, 425-426.
 White, William, allowance, 340.
 Whiting, Eliphalet, 243; committee, 400.
 Whitney, James, deceased, 393.
 Whitney, John, memorial, 257.
 Whitney, Joseph, petition, 393, 427.
 Whitney, Solomon, petition, 244, 327, 332, 333-334; allowance, 242.
 Whittemore, John, petition, 335, 356.
 Whittemore, John, Jr., petition, 330.
 Whittemore, Pelatiah, maternal support, 335.
 Whittemore, Ruth, 356; petition, 330.
 Widow, petition, 271, 282, 314-315, 321, 328, 330, 340, 353-354, 439; soldier, 288, 294, 401; memorial, 373.
 Wigglesworth, Prof. Edward, allowance, 273.
 Wilder, David, 294, 408; committee, 278, 373, 397, 413.

- Wilder, Deacon Gardner, 275.
 Wilder, Jonas, allowance, 408.
 Willard, Tarbell, 420.
 Williams, Maj. Elijah, 292, 343, 408, 449; petition, 260, 283; committee, 262, 272, 415, 428; exonerated, 265; absent, 266; memorial, 298; directed, 390.
 Williams, Col. Israel, 284, 289; committee, 242, 244, 268, 323, 324-325, 325, 340, 346, 354, 357, 375, 386, 405, 406, 415, 438, 447.
 Williams, Joseph, petition, 278, 353.
 Williams, Capt. Joseph, 243; committee, 250, 256, 259, 262, 268, 270, 271, 288, 323, 337, 345, 358; ordered, 378.
 Williams, Nathan, allowance, 294.
 Williams, Seth, Jr., Bristol County liquor excise collector, 354.
 Williams, William, memorial, 253.
 Williams' Garrison, establishment, 286, 432.
 Willis, Capt. Ebenezer, petition, 356, 387, 397; payment, 434.
 Willis, Elkanah, petition, 344, 397.
 Wilmington, complaint of, 264; French neutrals, 277.
 Wilson, Henry, allowance, 243.
 Wilson, James, petition, 400, 407-408.
 Winchel, Lydia, allowance, 423.
 Winchester, Joshua, deceased, 338.
 Wine, excise, 279, 284, 297, 308, 313, 314, 317, 347, 362, 371, 375, 390, 423.
 Winslow, Gen. John, military returns, 259-260, 267, 271; committee, 268.
 Winter, William, petition, 366-367.
 Winthrop, Prof. John, allowance, 274; petition, 394.
 Wiswall, Ichabod, Dukes County liquor excise collector, 355.
 Witnesses, allowance, 333-334.
 Witt, Samuel, 408; committee, 263, 268, 276, 284, 299, 307, 315, 321, 337, 341, 397, 415, 417.
 Woburn, tavern petition, 321.
 Wood, Caleb, allowance, 252.
 Wood, Jabez, allowance, 251.
 Wood, William, petition, 313; allowance, 384.
 Woodbridge, Timothy, petition, 417.
 Woods, Ephraim, allowance, 340.
 Woods, William, petition, 329-330.
 Woolson, Benjamin, allowance, 423.
 Worcester County, excise, 262, collector, 354; weapons return, 348.
 Worthington, Col. John, 243, 353, 385, 423; committee, 242, 262, 275, 279, 326, 327, 344, 349, 354, 359, 363, 373, 376, 390, 418, 419; ordered, 267; weapons return, 348; requested, 377.
 Wrentham, French neutrals, 251.
 Wright, Daniel, allowance, 243.
 Wright, John, petition, 299, 301, 362; allowance, 303.
 Wright, Capt. John, 373.
 Writ of review, 404.
 Wyer, William, petition, 325; allowance, 339.
 Wyman, Capt. ———, exonerated, 265.
 York, weapons return, 348.
 York County, petition, 248; excise, 259, 262, 379, collector, 355, farmer, 394-395; child support, 269; district bill, 289, 308; weapons return, 348; land grant, 350-351; members absent, 395; soldier transportation, 441, 447.
 Young, Capt. ———, directed, 398.

Date Due

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